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## PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly

Rules :-

### THE GUJARAT STATE COUNCIL FOR PHYSIOTHERAPY BILL, 2011.

GUJARAT BILL NO. 30 OF 2011.

#### A BILL

*to provide for the constitution of the Gujarat State Council for Physiotherapy for the purpose of co-ordination and determination of standards of education in the field of Physiotherapy, to regulate the practice of Physiotherapy and for the maintenance of register of Physiotherapists in the State of Gujarat and for matters connected therewith or incidental thereto.*

It is hereby enacted in the Sixty-second Year of the Republic of India as follows :-

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Gujarat State Council for Physiotherapy Act, 2011.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and the different dates may be appointed for different provisions of the Act.

Short title, extent  
and  
commencement.

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

- (1) "Council" means the Gujarat State Council of Physiotherapy constituted under section 3;
- (2) "Inspector" means an Inspector appointed by the Council under section 22;
- (3) "Institution" means any institution within or outside India which grants degrees in Physiotherapy as the case may be;
- (4) "member" means a member of the Council;
- (5) "Physiotherapist" means a person who possesses recognized Physiotherapy qualification and whose name has been enrolled in the register maintained under section 33;
- (6) "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 disorder through modulating physiological and physical response using exercises, physical agents, activities and devices including mobilization, manipulations, mechanical, electrical, and thermal agents, including therapeutic ultrasound and therapeutic LASER, and electrotherapy including electrophysiology for diagnosis, treatment and prevention;
- (7) "prescribed" means prescribed by rules made under this Act;
- (8) "President" means the President of the Council;
- (9) "Profession" means the profession of Physiotherapy;
- (10) "recognized qualification" means qualification in Physiotherapy obtained from any of the Universities or Institutions mentioned in the Schedule;
- (11) "Register" means the register of Physiotherapists maintained by the Council under section 33;
- (12) "registered practitioner" means a Physiotherapist whose name is entered and continues to remain on the register of the Council;

- (13) "Registrar" means the Registrar appointed under sub-section (1) of section 13;
- (14) "regulations" means regulations made by the Council;
- (15) "rules" means rules made under this Act;
- (16) "Schedule" means the Schedule appended to this Act;
- (17) "Vice –President" means the Vice-President of the Council.

## CHAPTER II

### GUJARAT STATE COUNCIL FOR PHYSIOTHERAPY

3. (1) The State Government shall, as soon as may be, after the commencement of this Act, constitute a Council called the "Gujarat State Council for Physiotherapy".
- Constitution and composition of Council.**
- (2) The Council shall consist of the following members, namely :-
    - (i) the Director, Health Services or the Secretary to Government, Health and Family Welfare Department, as may be nominated by the State Government, *ex-officio*;
    - (ii) the Director, Medical Education; *ex-officio*;
    - (iii) one member not below the rank of Deputy Secretary to Government, Health and Family Welfare Department, dealing with the matters relating to Physiotherapy, to be nominated by the State Government;
    - (iv) one member not below the rank of Deputy Secretary to Government, Finance Department, to be nominated by the State Government;
    - (v) one member not below the rank of Deputy Secretary to Government, Legal Department, to be nominated by the State Government;
    - (vi) one member from the Gujarat Medical Council, to be nominated by the State Government;
    - (vii) four members from Physiotherapists, to be elected from amongst the registered practitioners enrolled in the register of Physiotherapists;
    - (viii) four Physiotherapists from recognized Physiotherapy teaching institutions, holding teaching posts, representing different Universities of Gujarat, to be nominated by the State Government;
    - (ix) two Physiotherapists, to be nominated by the State Government from the Government Institutions or Hospitals imparting physiotherapy education;
    - (x) two Physiotherapists, to be nominated by the State Government to represent such Physiotherapy organizations which can represent the interests of Physiotherapy :

Provided that the election of the members referred to in clause (vii) shall be held at such place and in such manner as may be prescribed.

- (3) Notwithstanding anything contained in sub-section (1), -
- (i) in respect of the constitution of the Council for the first time under this Act, the members thereof including the President and the Vice-President as mentioned in section 6 shall be nominated by the State Government from amongst persons qualified to be elected or nominated as members ; and
  - (ii) the members so nominated shall hold office for such period not exceeding three years.

**Incorporation of Council.** 4. The Council shall be a body corporate by the name of the "Gujarat State Council for Physiotherapy" 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.

- Objects of Council.** 5. The objects of the Council shall be as follows :-
- (i) to coordinate and determine the standards of Physiotherapy education at all levels;
  - (ii) to regulate the practice of the profession by persons possessing recognized Physiotherapy qualification;
  - (iii) to maintain the register of Physiotherapists for the State of Gujarat;
  - (iv) to advise the Government in matters relating to the requirement of manpower in the field of Physiotherapy.

**President and Vice-President of Council.** 6. (1) There shall be a President of the Council who shall be enrolled on the register and 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 a Vice-President of the Council who shall be enrolled on the register and 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.

(3) The President or the Vice-President shall, subject to the other provisions of this Act, be eligible for re-election.

7. Elections under this Chapter shall be conducted in the prescribed manner and where any dispute arises relating to such election, it shall be referred to the State Government whose decision shall be final.

**Mode of election.**

8. (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 :

**Term of office and filling up of casual vacancies.**

Provided that the member nominated under section 3 shall hold office during the pleasure of the State 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 resignation is accepted 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 Physiotherapists, his name is removed from such register; or
- (iii) if he ceases to be a member of the Council; or
- (iv) if he becomes subject to any of the disqualifications mentioned in section 9.

(4) Any vacancy occurring in the office of any member, or 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 the Vice-President, 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) A member 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 continuously for a period of ten years.



(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.

**Disqualifications. 9.** No one shall be a member of the Council, if –

- (i) he is, or becomes of unsound mind and stands so declared by a competent court; or
- (ii) 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;
- (iii) he is or at any time has been adjudicated as un discharged insolvent; or
- (iv) his name has been removed from the register and has not been re-entered therein.

**Meeting of Council. 10.** (1) The Council shall meet at least once in 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) One-third members of the total members of the Council shall form a quorum. When there is no quorum at a meeting, the presiding authority shall, after waiting for not less than thirty minutes for such quorum, adjourn the meeting for 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 thereat, 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 or not.

(3) At least fifteen 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. The notice of meeting shall be served through registered post with acknowledgement due.

(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 atleast seven clear days notice shall be given for convening such meeting.

*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.

11. (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: **Proceedings of meetings.**

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.

12. No act or proceedings of the Council shall be invalid merely by reason if, - **Vacancies, etc., not to invalidate proceedings of Council.**

- (i) any vacancy in or any defect in the constitution of the Council; or
- (ii) any defect in the election or nomination of a person as a member of the Council; and
- (iii) any irregularity in the procedure of the Council not affecting the merits of the case.

13. (1) The Council shall, with the previous sanction of the State Government appoint the Registrar and the Deputy Registrar, who shall be qualified Physiotherapy graduates. **Appointment of Registrar, Deputy Registrar, officers and employees of Council.**

(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 reason, the Deputy Registrar 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 purpose 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 forthwith report such appointment to the Executive Committee and the State Government.

(4) The Council shall adopt the Gujarat 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 the 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 other duties and discharge such other functions as may be specified in this Act, or as may be prescribed.

Executive  
Committee and  
other committees.

14. (1) The Council shall 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 the 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 representing Physiotherapists, to be nominated by the President of the Council;
- (d) the Director of Health Services of the Government or his nominee;
- (e) one member representing the Medical Council of Gujarat.

(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 renomination.

(5) A member may resign his membership of the Committee by writing under his hand addressed to the Chairman 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.

15. (1) There shall be a Equivalence and Registration Committee for the purpose of recommending the recognition of degrees granted by institutions imparting training in Physiotherapy and to consider matters relating to registration of Physiotherapists. The recommendations of this committee shall be subject to approval by the Executive committee and the Council, unless otherwise provided in this Act.

**Equivalence and  
Registration  
Committee.**

(2) The Vice-President shall be Chairman of such committee. There shall be five other members nominated by the President of the Council from amongst the members of the Council, representing, educationists and specialists in different branches of Physiotherapy.

### CHAPTER III FUNCTIONS OF COUNCIL

16. (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, -

**Prior permission  
for establishment  
of new  
institutions, new  
course of study,  
etc.**

- (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 study or training which would enable a student of such course or training to qualify himself for the award of any recognized Physiotherapy qualification; or

(ii) increase its admission capacity in any course of study or training including a postgraduate studies;

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

*Explanation 1.*- For the purpose 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 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 preferred in such manner and be accompanied with such fees as may be prescribed.

(3) On receipt of the scheme 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 particular 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 consider necessary), the scheme in which case such approval shall be deemed to a permission under sub-section (1) and thereon the State Government may, by notification in the *Official Gazette*, 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 or company 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 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 (2) 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 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 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 24;
- (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, equipments, accommodation, training and other facilities to ensure proper functioning of the institution or conducting the new courses 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 person having the recognized Physiotherapy qualifications;
- (e) whether any arrangement has been made or programme drawn to meet the requirement of manpower in the field of practice of Physiotherapy; and
- (f) such other factors as may be prescribed.

(8) Where the State Government passes an order either approving or rejecting the 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.

17. (1) Where any institution is established except with the previous permission of the State Government in accordance with the provisions of section 16, no Physiotherapy qualification granted to any student of such institution shall be considered as the recognized qualification for the purposes of this Act.

(2) Where any institution opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the State Government in accordance with the provisions of section 16, no qualification granted to any student of such institution on the basis of such study or training shall be considered as the recognized 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 State Government in accordance with the provisions of section 16, no Physiotherapy qualification granted to any student of such institution on the basis of the increase in its admission capacity shall be recognized Physiotherapy 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 qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

Time for seeking  
permission for  
certain existing  
institution, etc.

18. (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 State Government in accordance with the provisions of section 16.

(2) If any person or institution, as the case may be, fails to seek the permission under sub-section (1), the provision of section 17 shall apply so far as may be as if the permission of the State Government under section 16 has been refused.

Recognition of  
qualification  
granted by  
Universities, etc. in  
State for  
Physiotherapy  
professionals.

19. (1) The qualifications granted by any University or other institutions in the State of Gujarat which are included in the Schedule shall be recognized qualifications for Physiotherapists.

(2) Any University or other Institution which grants qualification for the Physiotherapy professionals is not included in the Schedule may apply to the State Government to have such qualification recognized, and the State Government may, after consulting the Council, by



notification in the *Official Gazette*, amend the Schedule so as to include the name of such University or Institution.

20. (1) Subject to the provisions of this Act, any Physiotherapy qualifications included in the Schedule shall be sufficient qualification for enrollment in the register of Physiotherapists. **Effect of recognition.**

(2) No person shall after the date of the commencement of this Act, be entitled to be enrolled in the register of Physiotherapists unless he holds a recognized qualification :

Provided that any person who has immediately before the commencement of this Act become entitled to be enrolled shall on application made in this behalf before the expiry of one year 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 Equivalence and Registration Committee which shall consider the reference and make recommendation 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 subject to passing the screening examination conducted by the Council from time to time.
- (b) a person not being a citizen of India who is employed as a Physiotherapist 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, subject to passing the screening examination conducted by the Council from time to time :

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 enrollment under clause (a) or clause (b) shall be permitted unless the Council satisfies itself that 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 examinations.

21. Every University or Institution in Gujarat which grants any recognized qualification or a recognized higher qualification shall furnish such information as the Council may, from time to time require as to the course of the study and training and examination to be undergone in order to obtain such qualification and generally as to requisite for obtaining such qualification.

Inspectors.

22. (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 is given, or to attend any examination held for the purpose of granting any recognized qualification or recognized 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 the standard of the examinations and 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 Equivalence and Registration Committee, shall forward a copy of such report to the person or institution concerned and shall also forward such a copy with remarks, if any, to the State Government.

Withdrawal of recognition.

23. (1) When upon report by the Executive Committee, it appears to the Council that, -

(a) the courses of study and examination 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;

(b) the staff, equipment, accommodation and 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, the Council shall make representation to that effect to the State Government.

(2) The State Government shall after considering such representation shall forward it, along with such remarks as it deems necessary, to the University or Institution with an intimation of the period within which the University or Institution may submit its explanation to the State Government.

(3) On the receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government may, after making such inquiry, if any, as it may think 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 qualification conferred by them declaring that the qualification conferred by the said University or Institution shall be a recognised qualification only when granted before a specified date.

24. (1) The Council may prescribe by regulations the minimum standards of education in Physiotherapy required for granting recognized qualification in Gujarat. **Prescription of standards of education in Physiotherapy.**

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

(3) In particular and without prejudice to the generality of the foregoing power, the regulations may provide for, -

- (a) the nature, period of study and of practical training to be undertaken before admission to an examination;
- (b) the equipments and facilities to be provided for students undergoing approved course of study;
- (c) the subjects of examinations and standards to be attained;
- (d) any other conditions of admissions 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 for such amendments thereof as it may think fit.

25. Every enrollment of a person as a Physiotherapist 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 year on an application being made by him in such form and in such manner, within such period and on payment of such fees as may be prescribed. **Renewal of registration.**

26. (1) The Council may make regulations prescribing the standards of professional conduct and etiquette and a code of ethics for Physiotherapists. **Professional conduct.**

(2) The regulations made under sub-section (1) may specify which violations thereof shall constitute professional misconduct and such provisions 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 be removed there from, 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 to the State Government in such form and manner, within such time and on payment of such fees as may be prescribed.

(5) On receipt of such appeal, the State Government may, after giving the person concerned an opportunity of being heard may pass such order as it deems fit which shall be final and binding.

#### CHAPTER IV FINANCE, ACCOUNTS, AUDIT AND RETURN

**Payment to Council.** 27. The State Government may, after due appropriation made by the Legislative Assembly 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.

**Fund of Council.** 28. (1) The Council shall have its own fund and all sums which may from time to time be paid to it by the State 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) The surplus money, if any, of the fund shall be invested in the manner as may be prescribed and the money required for the administration of the Council shall be deposited in the nationalized banks.

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

**Budget.** 29. 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 copy thereof shall be forwarded to the State Government.

**Annual Report.** 30. 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 copy thereof shall be forwarded to the State Government.



31. (1) The Council shall cause to be maintained such books of Accounts and accounts and other books in relation to its accounts in such form and in audit. such manner as may be prescribed.

Guj. XLIX of 1963. (2) The accounts of the Council shall be audited by the *Examiner, Gujarat Local Audit Fund*, under the provisions of the Gujarat Local Funds Audit Act, 1963.

(3) The accounts of the Council as certified by the *Examiner, Gujarat Local Audit Fund*, together with the audit report shall be forwarded annually to the State Government and State Government shall cause the same, to be laid before the Legislative Assembly.

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

#### CHAPTER V REGISTRATION

33. (1) Every person possessing the qualification as a Persons entitled to Physiotherapist mentioned in the Schedule, shall subject to the registration. provisions contained in this Act and on 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 shall in his application make a declaration that he, is in full time practice of Physiotherapist and is 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 practice as Physiotherapist, and that 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 council in the next meeting for its recommendation.

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

(6) The Council shall consider such objections as may be raised against the registration of any person as Physiotherapist, and if necessary may call upon any person objecting to the registration.

(7) After the consideration of the contents of the application and objections, if any, if the Council is of the opinion that the person applying for registration is fit and proper person to be registered, it shall make an order granting the registration.

**Withdrawal of application.** 34. Where a person who after submitting application 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.

**Certificate of registration.** 35. When the application for registration is granted a certificate of registration shall be issued in the prescribed form.

**Renewal of registration.** 36. Any person desirous of getting his registration renewed shall make an application to the Council in the prescribed form along with the prescribed fees.

**Removal of names from register.** 37. The Council may, by order, remove from the register the name of any practitioner who has been convicted of a cognizable offence as defined under the Code of Criminal Procedure, 1973, or has been found guilty of professional misconduct after due enquiry. 2 of 1974.

**Appeal against order of removal from register.** 38. (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 qualification for being required as Physiotherapist, may appeal, in the prescribed manner and to payment of such 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 referred after the expiry of a period of thirty days from the date of the order under section 37.

**Rights and privileges of registered members.** 39. No person, other than the Physiotherapist who possesses recognized Physiotherapy qualifications and is enrolled on the Register of the Council, -

- (a) shall hold office as Physiotherapist or any such office (by whatever designation called) in the Government or in any institution maintained by a local or other authority;
- (b) shall practice Physiotherapy anywhere in State of Gujarat 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;

- 1 of 1872.
- (d) shall be entitled to give any evidence at any Court as an expert under the Evidence Act, 1872 on any matter relating to the Physiotherapy.

## CHAPTER VI OFFENCES AND PENALTY

40. (1) No person other than institution recognized or authorized under this Act shall confer, grant or issue or hold itself out as entitled to confer, grant or issue any degree, diploma, license, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practice the Physiotherapy. **Conferring, granting or issuing post-graduate degree, diploma license, etc., by unauthorized person or Institution.**
- (2) No person other than a Physiotherapist whose name is entered in the register maintained under this Act shall practice physiotherapy.
- (3) Any person who contravenes the provisions of sub-section (1) and if the person so contravening is an institution; the proprietor of the institute or the Chairperson and members of the managing board of the institute who knowingly or wilfully authorises or permits the contravention shall on conviction be punished with imprisonment for a term which may extend to two years and with fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees.
- (4) Any person who contravenes the provisions of sub-section (2) shall on conviction be punished with imprisonment for a term which may extend to one year and with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees.
41. 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. **Penalty for falsely claiming to be registered.**
42. If any person, - **Misuse of title.**
- (a) not being a person registered in a register takes or uses the description of Physiotherapy practitioner, Physiotherapist consultant, or
- (b) not possessing a recognized Physiotherapy qualification, uses a degree or a diploma or an abbreviation indicating or implying a Physiotherapy qualification,

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.

Failure to  
surrender  
certificate of  
registration.

43. If any person whose name has been removed from the register fails without sufficient cause, to surrender his Certification of registration shall on conviction be punishable with fine which may extend to five hundred rupees per month of such failure.

Cognizance of  
offence.

44. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no Court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by a person authorized in this behalf by the Council. 2 of 1974.

## CHAPTER VII MISCELLANEOUS

Directions by  
State  
Government.

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

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

Power to  
supersede  
Council.

46. (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 State Government under section 45, the State 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 sub-section (1) thereby, the State Government shall issue a notice to the Council and shall give reasonable time to it to show cause.

(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 has 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 State Government;
- (d) on the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government may –
  - (i) extend the period of suppression for such further period as it may consider necessary, or
  - (ii) reconstitute the Council in the prescribed manner.

47. The members of the Council, the Registrar, the Deputy Registrar, Inspectors and other officers and employees appointed under this Act shall be deemed to be the public servants within the meaning of section 21 of the Indian Penal Code. **Officers to be public servants.**

48. No suit, prosecution or other legal proceedings shall lie against the State Government, the Council, the President, the Vice-President, the Registrar, the Deputy Registrar, members and officers and employees appointed under this Act for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules made there under. **Protection of action taken in good faith.**

49. (1) The State Government may make by notification in the *Official Gazette*, rules generally for carrying out the purposes of this Act. **Power to make rules.**

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

- (i) the management of the property of the Council, and the maintenance of accounts and audit;
- (ii) manner of election of the President and the Vice-President of the Council under section 7;
- (iii) summoning and holding of the meetings of the Councils, the time and place of such meetings and the conduct of business therein under section 10;
- (iv) powers and duties of the President and the Vice-President of the Council;

- (v) procedure for appointment of Registrar, Deputy Registrar and other staff of the Council including the pay scales and other service conditions under section 13;
- (vi) powers and duties of the Executive Committee, the summoning and holding of meeting thereof, the times and places of such meetings;
- (vii) term of office and the powers and duties of the Secretary and other officers and servants of the Council;
- (viii) the form and other particulars of the scheme for establishing new institutions, new courses of study, etc. under section 16;
- (ix) procedure for determining the admission capacity for courses of Physiotherapy under section 16;
- (x) the system for conducting a screening test or any other test or examination under section 20;
- (xi) procedure for renewal of registration under section 36;
- (xii) procedure for filing an appeal to the State Government against any order of the Council under section 38;
- (xiii) manner in which the Council shall furnish information to the State Government, the format of the annual report and the form in which the budget would be prepared under Chapter IV;
- (xiv) 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. under Chapter V;
- (xv) any other matter which is to be or may be prescribed under this Act.

(3) The rules made under this section shall, subject to the condition of previous publication, be published in the *Official Gazette*:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made, and shall be subject to rescission by the State Legislature or to

such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

50. (1) The Council may, with the previous sanction of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with this Act and the rules made there under for enabling it to perform its functions and for carrying out the purposes of this Act. **Power to make regulations.**

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

- (i) the maintenance and audit of the accounts of the Council;
- (ii) the registration of members of the Council;
- (iii) the rules of procedure for the transaction of business at the meeting of the Council and its committees;
- (iv) the procedure for appointments of Committees, their functions and duties;
- (v) the qualifications, procedure for appointment of Inspectors and their power and duties;
- (vi) the courses of study and period 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 Physiotherapist qualification;
- (vii) the standards of staff, equipment, accommodation, training and other facilities for study or training of the Physiotherapist;
- (viii) the conduct of examinations, qualifications of examiners and the conditions of the admission to such examinations;
- (ix) the standard of professional conduct and etiquette and code of ethics to be observed by Physiotherapists professionals under section 26;
- (x) the manner in which and the conditions subject to which an appeal may be preferred under section 37;
- (xi) any other matter which is to be, or may be, prescribed.

(3) The State Government may, by notification in the *Official Gazette*, rescind or modify any regulations made under this section and thereupon, the regulation shall cease to have effect or be modified accordingly.

Power to  
remove  
difficulties.

**51.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government, may, by order published in the *Official Gazette*, make such provision not inconsistent with the provisions of this Act, as may appear it 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.



**SCHEDULE**  
( See section 19 )  
**(A) GOVERNMENT COLLEGES**

SR. NO	NAME OF COLLEGE	UNIVERSITY	QUALIFICATION
1	2	3	4
1	Government Physiotherapy College, Ahmedabad.	Gujarat University	Bachelor of Physiotherapy (B. Physio.)
2	College of Physiotherapy, Baroda.	M.S. University	Bachelor of Physiotherapy (B. Physio.)
3	Government Physiotherapy College, Surat.	Veer Narmad South Gujarat University	Bachelor of Physiotherapy (B. Physio.)
4	Government Physiotherapy College, Jamnagar	Saurashtra University	Bachelor of Physiotherapy (B. Physio.)
5	Government Physiotherapy College, Dahod.	Gujarat University	Bachelor of Physiotherapy (B. Physio.)

**( B ) SELF- FINANCE COLLEGES**

SR. NO	NAME OF COLLEGE	UNIVERSITY	QUALIFICATION
1	2	3	4
1	S.B.B College of Physiotherapy, V. S. Hospital, Ellisbridge, Ahmedabad	Gujarat University	Bachelor of Physiotherapy (B. Physio.)
2	Physiotherapy College, Ahmedabad Institute of Medical Sciences, Nr. S. P. Ring Road, Ognaj Circa, Nr. Ognaj Lions eye Hospital, Lapkaman, Ahmedabad.	Gujarat University	Bachelor of Physiotherapy (B. Physio.)
3	Sigma Institute of Physiotherapy, Bakrol Ajwa-Nimeta Rd., Ta. Waghodia, Dist. Vadodara	Gujarat University	Bachelor of Physiotherapy (B. Physio.)

SR. NO	NAME OF COLLEGE	UNIVERSITY	QUALIFICATION
1	2	3	4
4	Shree Ghantakaran Mahaveer Physiotherapy College, Kanelav Road, Vavdi, Godhra-389001	Gujarat University	Bachelor of Physiotherapy (B. Physio.)
5	J.G. College of Physiotherapy, Opp Gulab Tower, Off Sola Road, Ahmedabad.	Gujarat University	Bachelor of Physiotherapy (B. Physio.)
6	Pioneer Physiotherapy College, Nr Ajwa Cross Road, NH-8, Ajwa-Nimeta Road, At & Post:- Sayajipura, Vadodara-380019	Gujarat University	Bachelor of Physiotherapy (B. Physio.)
7	Ahmedabad Physiotherapy College, Ghuma Road, Bopal Ahmedabad	Gujarat University	Bachelor of Physiotherapy (B. Physio.)
8	Parul Institute of Physiotherapy, Waghodiya, Dist. Vadodara	Gujarat University	Bachelor of Physiotherapy (B. Physio.)
9	K. M. Patel Institute of Physiotherapy, Karamsad,	Sardar Patel University	Bachelor of Physiotherapy (B. Physio.)
10	Shree Babubhai Girdharbhai Patel Physiotherapy College, Opp. General Post Office, J.P. Road Anand-388001	Sardar Patel University	Bachelor of Physiotherapy (B. Physio.)
11	Sarvajani College of Physiotherapy, Rampura, Chhada, Surat-395003	Veer Narmad South Gujarat University	Bachelor of Physiotherapy (B. Physio.)
12	Peoples Physiotherapy, College, South Gujarat Medical Education Trust, Physiotherapy College, Ugat Bheshan Road, Nr. Bheshan Jakat Naka, Jahangirabad, Rander Road, Surat.	Veer Narmad South Gujarat University	Bachelor of Physiotherapy (B. Physio.)

SR. NO	NAME OF COLLEGE	UNIVERSITY	QUALIFICATION
1	2	3	4
13	K. K. Sheth Physiotherapy College, Rajkot.	Saurashtra University	Bachelor of Physiotherapy (B. Physio.)
14	R. K. College of Physiotherapy, Rajkot.	Saurashtra University	Bachelor of Physiotherapy (B. Physio.)
15	Shree Swaminarayan Physiotherapy College, Jamnagar(Only for Girls).	Saurashtra University	Bachelor of Physiotherapy (B. Physio.)
16	C. U. Shah Physiotherapy College, Dhudharej Road, Surendranagar-363001.	Saurashtra University	Bachelor of Physiotherapy (B. Physio.)
17	D.M.Patel Physiotherapy College, Station Road, Amreli	Saurashtra University	Bachelor of Physiotherapy (B. Physio.)
18	Charotar Institute of Physiotherapy, At: Changa, Ta: Petlad, Dist: Anand-388421	The Charotar University of Science and Technology	Bachelor of Physiotherapy (B. Physio.)
19	Shree Swaminarayan Collge of physiotherapy, Kadodara, Surat	S.N.D.T, University, Bombay.	Bachelor of Physiotherapy (B. Physio.)
20	K.J. Pandya Collage of Physiotherapy, K.M.shah Dental Collage Campus, Waghodia, Dist.Vadodara	Suman Deep University (Deemed University)	Bachelor of Physiotherapy (B. Physio.)

### STATEMENT OF OBJECTS AND REASONS

The role of Physiotherapists in the delivery of health services including investigation, treatment and prevention of diseases by virtue of special skills is paramount and these Physiotherapists are most critical manpower for providing preventive and curative health services.

There is no law at present in the State which provides qualifications for the registration of the Physiotherapists and for the registration of institutions imparting training to such Physiotherapists thereby giving specialized assistance to work alongside the physicians and other specialized medical officers.

It is, therefore, felt necessary that an enactment should be made to regulate the profession of Physiotherapists and to provide for registration of Physiotherapists and Universities and Institutions conferring degrees at graduate or post-graduate level in Physiotherapy and for constituting a Council for Physiotherapists and for other connected matters.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, the important provisions of the Bill :-

**Clause 1.-** This clause provides for short title, extent and commencement.

**Clause 2.-** This clause provides for certain definitions used in the Bill.

**Clause 3.-** This clause provides for the constitution the Gujarat State Council for Physiotherapy. It also provides for the appointment of the first President, Vice-President and other members of the Council on its first constitution for the period not exceeding three years.

**Clause 4.-** This clause provides that the Council shall be a body corporate and shall power to acquire, hold and dispose of property, movable and immovable and may sue and be sued.

**Clause 5.-** This clause provides for the objects of the Council.

**Clause 6.-** This clause provides that the President and the Vice-President of the Council shall be elected from the members of the Council and also provides for their term.

**Clause 7.-** This clause provides for the mode of election.

**Clause 8.-** This clause provides for term of office of the elected and nominated members of the Council and filling up of casual vacancies.

**Clause 9.-** This clause provides for disqualifications of the members of the Council.

**Clause 10.-** This clause provides for the convening meetings of the Council and the quorum at such meetings.

**Clause 11.-** This clause provides that proceedings of the meetings shall be treated as confidential and no person shall disclose the said proceedings.

**Clause 12.-** This clause provides for vacancies, etc. not to invalidate proceedings of the Council.

**Clause 13.-** This clause provides for appointments of the Registrar, the Deputy Registrar and the officers and employees of the Council and conditions relating to service, pay and allowances, etc.

**Clauses 14 and 15.-** These clauses provide for constitution of Executive Committees and other committees by the Council and equivalence and registration committee.

**Clause 16.-** This clause provides for the requirement of prior permission of the State Government for establishment of new institutions, new course of study.

**Clause 17.-** This clause provides that any degree of physiotherapy obtained from non-recognised institution shall not be considered as the recognised degree for the purposes of the Act.

**Clause 18.-** This clause provides for obtaining permission of the State Government by the existing Institutions which are established before the commencement of this Act.

**Clause 19.-** This clause provides that the qualifications granted by the University or Institution which are included in the Schedule shall be the recognised qualification for physiotherapy professionals.

**Clause 20.-** This clause provides that qualifications are included in the Schedule shall be sufficient qualification for enrolment in the register of physiotherapists.

**Clause 21.-** This clause provides for furnishing information by the University or the Institution to the Council regarding courses of study, training, etc.

**Clause 22.-** This clause provides for appointment of Inspectors by the Executive Committee to inspect any Institute where education or training of physiotherapy is given.

**Clause 23.-** This clause provides for withdrawal of recognition.

**Clause 24.-** This clause provides that the Council shall prescribe by regulations, the minimum standard of education in physiotherapy required for granting recognised qualifications.

**Clause 25.-** This clause provides for renewal of registration.

**Clause 26.-** This clause provides that the Council shall prescribe by regulations, the minimum standard of professional conduct and etiquette and a code of ethics for physiotherapists and consequences for breach of professional ethics.

**Clause 27.-** This clause provides for payment of such sums by the State Government to the Council for the performance of the Council.

**Clause 28.-** This clause provides for the funds of the Council and investment of the surplus funds in the nationalised bank.



**Clauses 29 to 31.-** These clauses provide for preparation of budget, maintenance of accounts of the Council and audit by the Examiner, Gujarat Local Audit Fund and submission thereof to the State Government.

**Clause 32.-** This clause provides for furnishing the reports, the copy of minutes and accounts, etc. by the Council, to the State Government.

**Clause 33.-** This clause provides for qualifications and procedure for obtaining registration as a physiotherapist.

**Clauses 34 to 36.-** These clauses provide for withdrawal of application of registration, issue of certificate of registration when the application is granted and renewal of registration.

**Clauses 37 and 38.-** These clauses provide for removal of names from the register of physiotherapists and appeal against the order of Council of removal of the name, to the State Government.

**Clause 39.-** This clause provides for rights and privileges of registered physiotherapists.

**Clauses 40 to 43.-** These clauses provide for offences and penalties for granting, conferring degrees, diplomas, etc. by any person other than the recognised institutions and for practicing physiotherapy by a person without having his name entered in the register, penalty for falsely representation of registered physiotherapists, penalty for misuse of title of registered physiotherapists and penalty for failure to surrender certificate of registration.

**Clause 44.-** This clause provides for taking cognizance of offence by the Court upon the complain made by the person authorized by the Council.

**Clause 45.-** This clause provides for power of the State Government to give directions to the Council for efficient administration.

**Clause 46.-** This clause provides for the power of the State Government to supersede the Council on the ground of inability or by the Council persistent default in performance of duties under the Act and abuse of powers.

**Clauses 47 and 48.-** These clauses provide that the officers and the employees appointed under the Act shall be public servants and no suit and other legal proceedings shall lie against the State Government, President, Vice-President and other officers and employees for the action taken in good faith under this Act.

**Clauses 49 and 50.-** These clauses provide for power of the State Government to make rules for carrying out the purposes of the Act and of the Council to make regulations.

**Clause 51.-** This clause empowers the State Government by order published in the *Official Gazette*, to remove difficulties within two years.

JAYNARAYAN VYAS,

**FINANCIAL MEMORANDUM**

*Clause 3* of the Bill provides for the constitution of the Gujarat State Council for Physiotherapy.

*Clause 13* of the Bill provides for the appointment of the Registrar, Deputy Registrar, officers and other employees of the Council.

*Clause 22* of the Bill provides for appointment of Inspectors by the Executive Committee of the Council.

*Clause 27* of the Bill provides for payment of such sums by the State Government to the Council for the performance of the functions by the Council.

The Bill, if enacted and brought into operation, would involve an estimated annual expenditure of rupees 40.00 lakhs from the Consolidated Fund of the State, out of which rupees 24.52 lakhs would be of recurring nature and rupees 15.48 lakhs would be of non-recurring nature.

**JAY NARAYAN VYAS,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative powers in the following respects:-

*Clause 1.-* Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the remaining provisions of the Act shall come into force.

*Clause 3.-* Proviso to para (j) of sub-clause (2) of this clause empowers the State Government to prescribe by rules the place where and the manner in which the election of the members referred to therein shall be held.

*Clause 7.-* This clause empowers the State Government to prescribe by rules, the manner in which the elections under this Chapter shall be conducted.

*Clause 13.-* (i) Sub-clause (5) of this clause empowers the State Government to prescribe by rules, the manner in which the Council may, with the previous sanction of the Government, suspend, dismiss or remove any person appointed as the Registrar or to impose any other penalty on him;

(ii) sub-clause (6) of this clause empowers the State Government to prescribe by rules, the salary and allowances and other conditions of service of the Registrar;

(iii) sub-clause (8) of this clause empowers the State Government to prescribe by rules, the manner in which the accounts of the Council shall be kept by the Registrar;

(iv) sub-clause (9) of this clause empowers the State Government to prescribe by rules, the supervisory powers of the Registrar over the staff and also the other duties and functions to be performed by the Registrar.

**Clause 16.-** Para (b) of sub-clause (2) of this clause empowers the State Government to prescribe by rules, the form, the particulars, the manner in which the scheme shall be prepared and the fees to be accompanied with the scheme.

**Clause 17.-** Explanation to the sub-clause (3) of this clause empowers the State Government to prescribe by rules, the criteria for identifying a student who has been granted a Physiotherapy qualification on the basis of increase in the admission capacity.

**Clause 20.-** Second proviso to para (b) of sub-clause (3) of this clause empowers the State Government to prescribe by rules, to conduct a screening test or other test or examination to satisfy itself whether the person referred to therein possesses the requisite knowledge and skill to practice Physiotherapy.

**Clause 26.-** Sub-clause (4) of this clause empowers the State Government to prescribe by rules, the form, the manner, the time and the payment of fees for preferring the appeal to the State Government by any person against the order of the Council.

**Clause 28.-** Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which the surplus money of the fund shall be invested.

**Clause 29.-** This clause empowers the State Government to prescribe by rules, the form and the time in each year by which the Council shall prepare the budget.

**Clause 30.-** This clause empowers the State Government to prescribe by rules, the form and the time in each year by which the Council shall prepare the annual report.

**Clause 31.-** Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner and the form in which the Council shall maintain books of accounts and other books of accounts.

**Clause 32.-** This clause empowers the State Government to prescribe by rules, the other information to be furnished by the Council alongwith reports, its minutes, and abstracts of its accounts.

**Clause 33.-** (i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the fees to be paid by a person to be entitled to have his name entered in the Register of Physiotherapist and also empowers the Council to prescribe by regulations the conditions subject to which his name shall be entered in the Register;

(ii) sub-clause (3) of this empowers the State Government to prescribe by rules the form of application for registration and the documents required to be accompanied with the application.

**Clause 35.-** This clause empowers the State Government to prescribe by rules, the form in which the certificate of registration shall be granted.

**Clause 36.-** This clause empowers the State Government to prescribe by rules, the form in which an application for renewal of registration shall be made and the fees to be paid for such renewal.

**Clause 38.-** Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which an appeal shall be made by a desirous person whose name has been removed from the Register and also the fees to be paid for such appeal.

**Clause 46.-** Item (ii) of para (d) of sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which the Council shall be reconstituted.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Gandhinagar,

Dated the 22<sup>nd</sup> March, 2011.

**JAYNARAYAN VYAS.**

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 22<sup>nd</sup> March, 2011.

**C. J. GOTHI,**

Secretary, to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.