

THE ALLIED AND HEALTHCARE PROFESSIONAL'S CENTRAL COUNCIL

BILL, 2015

Bill No. of 2015

THE ALLIED AND HEALTHCARE PROFESSIONAL'S CENTRAL COUNCIL BILL, 2015

A

BILL

Preamble

To provide for regulation and maintenance of the standards of education and practice of Allied and Healthcare Professionals through the constitution of Central and corresponding State Councils of the Allied and Healthcare Professionals and for matters connected therewith or incidental thereto.

WHEREAS, it is considered expedient to provide for the regulation of allied and healthcare professionals with a view to prescribe minimum standards of allied and healthcare professional education, institutions and professional practice so that mandate of article 47 of the constitution for improvement in public health may be achieved;

AND WHEREAS, Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution.

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

CHAPTER I
PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Allied and Healthcare Professional's Central Council Act, 2015.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may decide, by notification in the Official Gazette

Definitions

2. (1) In this Act, unless the context otherwise requires,—
 - (a) "Allied and Healthcare Professional" means such professionals who are involved with the delivery of health related services, with expertise in therapeutic, diagnostic, curative, preventive and rehabilitative interventions, and as prescribed under the Rules by the Central Government;
 - (b) "Allied and Healthcare Institution" means educational institution which grants diplomas, undergraduate, postgraduate and doctoral degrees in allied and healthcare sciences related courses;
 - (c) "Allied and Healthcare Sciences" means all the general or specialized science programs that prepares individuals for either entry into specialized training programs or for a variety of concentrations in the allied and healthcare area involved with the delivery of health related services, with expertise in therapeutic, diagnostic, curative, preventive and rehabilitative interventions. Includes instruction in the basic sciences, research and clinical procedures, and aspects of the subject matter related to various allied and healthcare related occupations;
 - (d) "Approved Institution" means a hospital, health center or other such institution recognized by a University and State Council as an institution in which a person may undergo training, if any, required by his course of study before the award of any allied and healthcare qualification to him/her;
 - (e) "Central Council" means the Central Council of, all allied and healthcare professionals categories as prescribed under the rules by the Central Government;
 - (f) "Fund" means the fund of a Central Council established under section 30;
 - (g) "Institution" means any institution, by whatever name called, established by law for imparting education under this Act;

- (h) “Recognised Allied and Healthcare profession ” means any of the profession notified as such under Rules to be prescribed by the Central Government;
- (i) “Register” means the live register maintained under sub-section (1) of section 26;
- (j) “Registered Allied and Healthcare professional” means an allied and healthcare professional registered with the Central Council under the section 26;
- (k) “State Council” means a State Council constituted under State legislation for all allied and healthcare cadres as per the Rules by the Central Government;
- (l) “University” means a University defined under clause (f) of section 2 University Grants Commission Act, 1956 and includes an institution declared to be a deemed University under section 3 of the said Act.

(2) Any reference in this Act of a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

CHAPTER II
THE CENTRAL COUNCIL FOR ALLIED AND HEALTHCARE PROFESSIONALS

Establishment of the
Central Council

3. (1) The Central Government shall, by notification, establish, for the purposes of this Act, a central statutory authority to be known as the **Allied and Healthcare Professional’s Central Council**, in such manner as may be prescribed.

Constitution of the
Central Council

- (2) The Central Council shall consist of the following members:
- (a) The Chairperson, to be the Secretary of Department of Health & Family Welfare appointed by the Ministry of Health and Family Welfare or a nominee not below the rank of Additional Secretary (ex-officio)
 - (b) The Vice-Chairperson, to be the Special Director General of Health Service (Spl DGHS) Department of Health & Family Welfare or a nominee not below the rank of DDG(M) (ex-officio);
 - (c) One officer not below the rank of an Assistant Director General of the Directorate General of Health Services in the Ministry of Health and Family Welfare dealing with the allied and healthcare professional education, as the case may be (ex-officio);
 - (d) One officer not below the rank of a Joint Secretary of Ministry of Health & Family Welfare, dealing with the allied and healthcare professional education, as the case may be (ex-officio);
 - (e) One member not below the rank of a Deputy Secretary to the Government of India dealing with allied and healthcare professional training and education to be appointed by the Director General, Armed Forces Medical Services to represent the Ministry of Defence (ex-officio);
 - (f) One officer not below the rank of a Director to the Government of India, dealing with department of higher education to represent the Ministry of Human Resources Development or a nominee (ex-officio);
 - (g) One member not below the rank of a Director to the Government of India to be appointed by the Central Government, dealing with allied and healthcare professional training to represent the Ministry of Skills Development and Entrepreneurship or a nominee (ex-officio);
 - (h) Any six members (one member from each body) out of the below mentioned eight bodies, not below the rank of a Deputy Secretary or a nominee (ex-officio) to the Government of India to be appointed by the Central Government to represent the following regulatory and standardizing bodies on biennial rotation—
 - i. Medical Council of India (MCI)
 - ii. Indian Nursing Council (INC)
 - iii. Pharmacy Council of India (PCI)
 - iv. Atomic Energy Regulatory Board (AERB)
 - v. Rehabilitation Council of India (RCI)
 - vi. National Board of Examination (NBE)
 - vii. National Institute of Open Schooling (NIOS)/ Indira Gandhi National Open University (IGNOU)
 - viii. University Grant’s Commission (UGC)
 - (i) Six members (one member from each zone) to be Principal Secretary (ex-officio) dealing with Health education or nominee not below the rank of Director (ME), to be appointed by the Central Government on rotation in every two years in alphabetical order (of States/UT) to

represent the States and Union Territories from each of the six zones on biennial rotation. The list of zones as per the Rules defined by the Central Government.

- (j) Two representative (ex-officio) from existing statutory State Allied and healthcare (or paramedical) council to be nominated by the Central Government on a two year rotation basis. Provided that an appointment under this clause shall be made on the recommendation of the Government of the State, or as the case may be, the Union Territory concerned.
- (k) Three members (ex-officio) of eminence in medicine representing related allied and healthcare professions (such as an Ophthalmologist, Radiologist, Cardiologist etc.) not below the rank of Director/Medical Superintendent or nominee from following central government hospitals on rotation-
 - i. All India Institute of Medical Sciences (AIIMS)
 - ii. Dr. Ram Manohar Lohia Hospital (RML)
 - iii. Jawaharlal Institute of Postgraduate Medical Education & Research (JIPMER)
 - iv. Post Graduate Institute of Medical Education and Research (PGIMER)
 - v. North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS)
 - vi. Vardhman Mahavir Medical College and Safdurjung Hospital
 - vii. Lady Harding Medical College
 - viii. National Institute of Mental Health and Neurosciences (NIMHANS)
- (l) One third members from total categories as prescribed under the rules by the Central Government at any given point on biennial rotation to be elected from amongst themselves in such a manner that they represent such organizations which can represent the interest of allied and health care professional cadres, as the case may be.

Provided that each of the categories to be represented atleast once (for period of two years) in the duration of six years and that in case of constitution of the Council for the first time after the commencement of this Act, the members of this category shall be nominated by the State Government till the assumption of office by the elected members.

- (m) One representative to be appointed by Central Government from any one of the private sector/charitable institutes of the excellence on allied and healthcare on annual rotation.

Provided that the nomination under this clause shall be made on recommendation of the Central Council.

- (n) Two members to be nominated by the Central Government from amongst the eminent practitioners in allied and healthcare streams on rotation every two years.

Term of office and vacancy

- 4. (1) A member of a Central Council shall hold office for a term of three years from the date of appointment, excluding those who have been appointed on rotatory basis, as the case may be.
- (2) A member shall be deemed to have vacated his office if, in the opinion of the Central Council, he is absent without sufficient reasons, from three consecutive ordinary meetings of the Central Council, or he ceases to be a member under section 5.
- (3) Any vacancy in the Central Council shall be filled by fresh appointment within six months period and the person so appointed to fill the vacancy shall hold office only for the remainder of the term of the member in whose place he has been appointed.
- (4) A member of the Central Council shall be eligible for reappointment maximum for two terms, as the case may be.
- (5) The procedure and requirement, for notification of a member may be as per the Rules prescribed by the Central Government.

- Cessation of membership
5. (1) A member appointed by the Central Government under clauses (a) to (k) of sub-section (2) of section 3 shall cease to be a member of the Central Council on his cessation to the service by virtue of which he was appointed as a member of the Central Council.
- (2) A member appointed by the Central Government under clauses (n) of sub-section (2) of section 3 shall cease to be a member of the Central Council on removal of his name from the register of said Council.
- Resignation by member
6. A member appointed by the Central Government under clauses (h), (j), (l) and (m) of sub-section (2) of section 3 may at any time resign his membership by writing under his hand addressed to the Chairperson/President of the Central Council: (should be submitted to the organization from where nominated).
- Provided that a member who has submitted his resignation under this section shall continue to hold office of the Central Council until his resignation has been accepted within a timeframe of three months from the date of application, by the Central Government.
- Removal of member or vacancy
7. (1) The Central Council may, without prejudice to the provisions of sub-section (2), by a majority of its total membership and a majority of not less than two-thirds of its members present and voting, at any time recommend removal of a member of the Council to the Central Government, if it is satisfied that for any reason the continuance of that member in that Council is not in the public interest or is prejudicial to the interest of said Council and the decision of the Central Government in this regard shall be final.
- (2) The Central Government shall remove a member of the Central Council, if he—
- (a) has been convicted for an offence involving moral turpitude; or
 - (b) is declared an undischarged insolvent by the competent court; or
 - (c) becomes of unsound mind and is declared so by the competent court; or
 - (d) refuses to act or becomes incapable of acting as a member; or
 - (e) has absented without intimation for three consecutive meetings of said Council; or
 - (f) has abused the position of the Chairperson, the Vice-Chairperson or a member, as the case may be, as to render his or her continuance in the office detrimental to the public interest:
- Provided that no person shall be removed under clauses (a), (d), (e) and (f) unless he has been given an opportunity of being heard.
- (3) No act or proceeding of the Central Council shall be invalidated merely by reason of—
- (a) any vacancy in, or any defect in the constitution of, said Council; or
 - (b) any defect in the appointment of a person acting as a member of said Council; or
- any irregularity in the procedure of that Central Council not affecting the merits of the case.
- Executive committee and its composition
8. (1) The Central Council shall, as soon as may be, constitute from among its members an Executive Committee.
- (2) The composition of the executive committee shall be as-
- i. Additional Secretary (Health), Chairman- Executive Committee (Ex- officio)
 - ii. Joint Secretary, In-charge of AHS, Department of Health and Family Welfare, Vice Chairman- Executive committee (Ex- officio)
 - iii. DDG, Medical Education, DGHS, Member (Ex- officio)
 - iv. Financial advisor (AS or Nominee), Department of Health and Family Welfare, Member (Ex- officio)
 - v. Director/Head of other committees constituted by the council
 - vi. Five members to be nominated by Central Council from amongst itself, such that two members represent medical professional from hospitals specified in sub section 2 (k) of section 3 and three members represent the allied and healthcare professionals from categories specified in sub section 2(l) of section 3 at any given time.
- (3) The Executive Committee will perform such duties and exercise such powers as may be laid down from time to time in the Bylaws, or Rules by the Central Council. The Executive Committee will supervise generally the affairs of the Council and in case of emergency may perform any duty and

exercise any power of the Central Council without prejudice to the general powers of the latter to whom all proceedings in exercise of such emergency authority shall be reported at the next meeting.

Appointment of Secretary, officers and other employees of Central Council

9. (1) For the purpose of discharging its functions efficiently under this Act, the Central Government shall, subject to such Rules as prescribed, appoint a permanent secretariat of the Central Council headed by a Secretary including officers and other employees, as it may consider necessary. Provided that the first Secretary of the Central Council shall be appointed by the Central Government on such terms and conditions as prescribed under the Rules.

(2) The Secretary, officers, or other employees appointed by the Central Government shall be subject to such conditions of service and entitled to such remunerations as prescribed in the Rules.

Power to associate persons with Central Council for particular purposes

10. (1) The Central Council may associate with itself, any person or body whose technical assistance or advice as it may deem necessary in carrying out any of the provisions of this Act.
- (2) The Central Council may associate with itself any person or body whose assistance or advice it may desire in carrying out any of the provisions of this Act.
- (3) The Central Council may constitute sub-committees and may appoint to such sub-committee, as it deems fit, persons, who are not members of the Central Council, for such period, not exceeding two years, for the consideration of particular matters.

Meetings of the Central Council

11. (1) The Central Council shall meet at such time and place, and shall observe such Rules of procedure in regard to the transaction of business at its meetings, including the quorum at such meetings, as may be determined by the prescribed Rules.
- (2) Minutes of the meeting-
- (a) The minutes of proceedings of each meeting of the Council shall be recorded in a book to be kept for the purpose and the names of the members of the Council present thereat shall be entered in the minute book: and shall be signed in confirmation by the presiding authority in the same or next meeting.
- (b) A copy of the minutes of proceedings of each meeting of the Council shall be forwarded to the Central Government within ten days from the date of confirmation.
- (3) Proceedings- Until the contrary is proved, every meeting of the Council shall be deemed to have been duly convened when the minutes of the meeting have been signed in accordance with the provisions of this Act.
- (4) Allowances of the non-officials - The non-official members of the Council shall receive such travelling and other allowances, as may be prescribed by Rules.
- (5) Decision of questions by majority votes- Save as otherwise provided in this Act, all questions brought before any meeting of the Council, shall be decided by a majority of votes of the members present and in case votes being equal the presiding authority at the meeting shall have a second or casting vote.
- (6) Conduct the election of the members as per the Rules.

Functions of the Central Council

12. The Central Government shall ensure coordinated and integrated development of education and maintenance of the standards of allied health practice including undertaking the following functions:
- (a) Regulate the professional conduct of allied and healthcare professionals through specifying the standards of professional conduct, code of ethics and etiquette to be observed by professionals for each cadre as prescribed under the Rules by the Central Government;
- (b) Create and maintain a national live register as prescribed in the Rules
- (c) Prescribe the minimum standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education and promote innovations in the professions prescribed under the Rules by the Central Government ;
- (d) Provide for a scheme of reciprocity for the purpose of recognition of foreign qualifications;
- (e) Provide for a uniform entry examination for admission into allied and healthcare educational institutions at the graduate, postgraduate and doctoral level. The level of the examinations

including minimum standards, the designated authority and the fee structure for conducting examination for the various courses shall be as per rules prescribed by the Central Government.

- (f) Ensure compliance of various statutory provisions under this Act including inspection, recognition, registration of institutions, licensing and registration of professionals and levying of penalties as may be applicable by the Rules, for the growth of allied and healthcare professionals.

Perform functions as may be necessary, incidental or conducive to the attainment of all or any of the objects of the said Council as prescribed in the Rules prescribed by the Central Government in this regards.

Prohibition of collection of capitation fee, donation etc.

13. No person or allied and healthcare institution who is in charge of, or is responsible for the management of any institution, shall-
- (a) accept, either directly or indirectly any donation, gift or other payment (by whatever name called), whether in cash or in kind, any amount by way of capitation fee; or
 - (b) receive any fee or amount in excess of scale of fees prescribed by the council.

Power of Central Government to supersede Central Council

14. The Central Government may supersede the Central Council in the manner as prescribed in the Rules prescribed in this regard or as the case may be, if at any time the Central Government is of the opinion—
- (a) that on account of circumstances beyond the control of the Council, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
 - (b) that the Council has persistently defaulted in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act; or
 - (c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification and for reasons to be specified therein, supersede the Council for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Council to make representations against the proposed supersession and shall consider representations, if any, of the Council.

CHAPTER III THE STATE COUNCILS

Establishment of State Council

15. Every State Government shall, by notification, establish, for the purposes of this Act, a Council to be known as the State Allied and Healthcare Professional's Council, in such manner as may be prescribed by the Central Government.

Constitution of the State Council, terms of office etc.

16. The State Council shall comprise of official and non-official members.
- (a) At least 50% shall be official and shall represent officers not below the rank of Directors representing health services and professors/HoDs of reputed medical and allied and healthcare institutions of the respective State.
 - (b) 50% of non-official members to be constituted of eminent professionals to be elected from amongst themselves in such a manner that they represent such organizations which are representative of professions prescribed under the Rules by the Central Government-

Provided that each of the categories to be represented atleast once (for period of two years) in the duration of six years and that in case of constitution of the Council for the first time after the commencement of this Act, the members of this category shall be nominated by the State Government till the assumption of office by the elected members. Minimum five professional groups to be represented at one time and biennial rotation.

- (c) The States or UTs where Councils do not exist, State Councils shall be established in accordance with section 15 with at least 14 members and not exceeding 20 members as in accordance with the (a) and (b) of section 16 of this Act.
- (d) The chairperson for the first term of the State Council shall be the Principal Secretary, thereafter the chairperson shall be elected within the members of the Council.

Existing State Council

17. (1) Where there exist statutory State Paramedical Council, as the case may be, shall be subsumed under this Act and be restructured/renamed as the State Allied and Healthcare Professional's Council for their respective States and the State Councils shall take the charge of regulation in the State for the professional cadres as prescribed under the Rules by the Central Government
- (a) Delhi Council for Physiotherapy & Occupational therapy constituted under section 3 of Act No. 7 of 1997 Govt. of NCT Delhi;
 - (b) Andhra Pradesh (Telangana) Para Medical Board constituted under section 3 of Act No. 38 of 2006;
 - (c) The Kerala Paramedical Council Bill constituted under section 3 of Act No. 61 of 2007, Kerala Government;
 - (d) The Nagaland Paramedical Council Act, 2014;
 - (e) The Himachal Pradesh Paramedical Council Act constituted under section 3 of Act No 21 of 2003, -Himachal Pradesh Government and
 - (f) The Madhya Pradesh Paramedical Council Bill, 2003.
- (2) Existing councils and associated members may retain their current structure/composition and fulfil their term of office in the entirety before this Act becomes applicable to them.

Functions of the State Council

18. Every State Council shall -
- (a) Regulate the professional conduct of allied and healthcare professionals through enforcing the standards of professional conduct and etiquette to be observed by professionals for each cadre and take disciplinary action, including the removal of a professional's name from the register, in case found guilty of violating as prescribed in the Rules;
 - (b) Ensure compliance to minimum standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education and promote innovations in the professions for the categories prescribed under the Rules by the Central Government, for granting recognized qualification by the Universities or institutions within the respective State;
 - (c) Conduct a uniform entry examination for admission into allied and healthcare educational institutions at all level as per procedure prescribed under the Rule by the Central Government.
 - (d) The level of the examinations including minimum qualifying marks and exit criteria, the distinguished authority and the fee structure for conducting examination for the various courses shall be as per rules prescribed by the Central Government.
 - (e) Register professionals and maintain the State live registers for allied and healthcare professionals for respective fields and work with Central Council and other State Councils to allow cross migration of professionals with the country as prescribed in the Rules;
 - (f) Ensure compliance of various statutory provisions under this Act including inspection, recognition, and registration of institutions, including levying of penalties as may be applicable by the Rules, for the growth of allied and healthcare professionals;
 - (g) Advise the government or the appropriate regulatory authority on policy matters concerning education, training and practice of allied and healthcare professionals in the State
 - (h) Provide strategic framework for rational deployment of skilled manpower, performance management systems, task shifting and associated career development pathways for allied and healthcare professionals in the State;
 - (i) Exercise disciplinary powers conferred by this Act; and
 - (j) To do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the said Council.

Permission for establishment of new allied and healthcare college, new course of study etc.

19. (1) Notwithstanding anything contained in this Act or any other law for the time being in force-
- (a) No person shall establish an allied and healthcare college or
 - (b) No college or university 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 recognized allied and healthcare qualification; or

- ii. increase its admission capacity in any course of study or training (including a postgraduate course of study or training), except with the previous permission of the State Government through State Council obtained in accordance with the provisions of this section.

Process for recognition of existing Allied and Healthcare Institutions

20. All allied and healthcare professional institutions already in existence, will be automatically recognized for a grace period of upto 3 years post notification of this Act. The institute may apply for recognition to the appropriate State Council within this period and shall demonstrate proof of having met all the required standards as prescribed in the Rules.

Recognition, non-recognition and withdrawal of recognition of Allied and healthcare Institution

21. (1) Any University or institution imparting education in allied and healthcare shall furnish information to the State Council regarding course of study, duration of course, scheme of assessment and examinations and other eligibility conditions as the State Council may from time to time require, as the case may be.
- (2) The State Government after consulting the State Council may, by notification, from time to time, declare the education granted by any University or institution to be the recognized qualifications for the purposes of this Act as prescribed by the Rules.
- (3) On and from the date specified in the notification, as may be issued by the Central Government and as per the Rules prescribed in this regards, no University or institution shall impart education for the purposes of this Act without seeking prior approval of the respective State Council.
- (4) The State Council shall appoint panel of assessors as it may deem fit to deal with the recognition of fulfilment of minimum standards of education and training for the allied and healthcare by any University or institution as prescribed in the Rules by the Central Government.
- (5) Where the State Council reports to the State Government that an approved course of study or an approved examination does not continue to be in conformity with the Rules, the State Government shall give notice to the concerned University or institution of its intention to take into consideration the question of withdrawing of recognition accorded to the course of study or examination, as the case may be, and the said University or institution, as the case may be, shall within three months from the receipt of such notice forward to the State Council and State Government such representation in the matter as it may deem proper. The State Government in consultation with the State Council shall take final decision on the matter within a period of three months from the date of receipt of the representation.
- (6) The Council, while making its recommendations and the respective Government while passing an order, either recognizing or derecognizing an institute shall have due regard to the factors as prescribed in the rules.
- (7) On and from the date specified in the notification, any allied and healthcare institution is established or any allied and health institution opens a new or higher course of study or increases its admission capacity without the previous permission of the respective State Council in contravention of the provision of this Act shall not be recognized.
- (8) If it appears to the State Council that either the course curriculum, examination pattern, proficiency of candidates, staff, equipment, training or/and any other facilities required for instruction provided by an allied and healthcare institution/college/universities do not conform to the standards prescribed by the Central Council, the State Council shall take action for withdrawal of recognition as prescribed in the rules.
- (9) Any allied and healthcare institution in India, which desires an allied and healthcare profession and corresponding qualification granted by it, to be included in the allied and healthcare categories, may apply to the concerned Government as prescribed in the Rules by the Central Government.

Recognition and non-recognition of qualification

22. (1) Where any allied and healthcare college is established except with the previous permission of the State Council in accordance with the provisions of section 22, no allied and healthcare qualification granted to any student of such college shall be a recognized qualification for the purposes of this Act.

(2) The State Government, after consulting the State Council, may, by notification recognize prior learning of persons on or before the date specified under the section 22 subsection (3), so as to enable the inclusion of such persons as recognized allied and healthcare professionals.

(3) On and from the date specified in the notification, any allied and healthcare institution is established or any allied and health institution opens a new or higher course of study or increases its admission capacity without the previous permission of the State Government in contravention of the provision of this Act, allied and healthcare qualification so given to any student by such institution, shall not be recognized qualification for the purpose of this Act.

(4) Subject to the other provisions of this Act, any person possessing education as notified by the Central Government, shall be eligible to have his name entered in the register of the State Council and to obtain registration number and certificate in the manner as prescribed in the Rules , from the appropriate regulator or authority at the State after demonstration of suitable educational qualification/experience, that has been verified by the concerned authority within the duration as notified by the Central Government.

Term of office, vacancy, salaries

23. The term of office, salaries and allowances of Chairperson and members, method of filling up of vacancies in the State Council shall be such as may be prescribed in the rules by the Central Government.

Power to make By-laws for the State Council

24. The State Council or the appropriate regulator at State, with previous approval of the State Government, by notification make by-laws consistent with this Act and the Rules made thereunder to carry out the provisions of this Act and the Rules.

Power of State Government to supersede State Council

25. The State Government may supersede the State Council or the regulator in the State for the allied and healthcare sciences in the manner as prescribed in the Rules prescribed in this regard or as the case may be, if at any time the State Government is of the opinion—

- (a) that on account of circumstances beyond the control of the State Authority, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or
- (b) that the State Authority has persistently defaulted in complying with any direction given by the State Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act; or
- (c) that circumstances exist which render it necessary in the public interest so to do, the State Government may, by notification and for reasons to be specified therein, supersede the State Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing any such notification, the State Government shall give a reasonable opportunity to the State Authority to make representations against the proposed supersession and shall consider representations, if any, of the State Authority.

CHAPTER IV THE REGISTER

Register of allied and healthcare professionals.

26. (1)The Central Council shall create and maintain a central repository of live registers in the manner determined by the Rules prescribed by the Central Government in this regards.

(2)The State Councils shall maintain a live register and enter names in it of allied and healthcare professionals in the manner determined by the Rules by the Central Government in this regards.

(3)No person shall be entitled to practice under this Act unless his name is entered in the State register of the appropriate regulator in the State where the professional is providing the services.

(4) Every registered allied and healthcare professional registered under sub-section (3) shall renew his registration after every three years on payment of such fee as may be prescribed.

(5) The standards of professional conduct, removal of names from the register, procedure in inquiries relating to misconduct or re-entry in register will be in the manner as prescribed under the Rules by the Central Government.

CHAPTER V
OFFENCES, PENALTIES AND APPEALS

- Restriction to discharge functions by professionals not covered by profession
27. No allied and healthcare professional shall discharge any duty or perform any function not authorized by this Act or specify treatment not authorized by the field of his profession.
- Penalty for violation of provisions of this Act
28. (1) Any person or establishment which acts in contravention of the provisions of this Act or any Rules made thereunder, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five lakh rupees.
- (2) Any person whose name has not been entered or whose name is not deemed to have been entered in the register of the State authority under this Act and is practicing as an allied and healthcare professional, as the case may be, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one lakh rupees, or with both, in the manner as may be prescribed: Provided that such clause is not applicable for first three years from the notified date of the establishment of the State authority or regulator.
- (3) The penalty for dishonest use of registration number, certificate, etc. shall be in the manner as prescribed in the Rules.
- (4) Whoever knowingly serves in an allied and healthcare institution which is not registered under this Act, shall be liable to a penalty which may extend to one lakh rupees.
29. (1) The University or institution whose education has not been notified by the Central Government under sub section (5) of section 21, may apply to the respective Council, as per the jurisdiction, for reviewing its decision as prescribed in the Rules in this regards by the Central Government.
- (2) Any person,-
- (a) whose application for registration in the State Register is rejected under sub section (1) of Section 26 of this Act; or
- (b) whose entry in the State register is prohibited; or
- (c) whose name, from the State Register is removed,
- may, within ninety days of the order of rejection, prohibition or removal, as the case may be, appeal to the State Government and the decision of the State Government thereon shall be final.
- Appeal

CHAPTER VI
FINANCE, ACCOUNTS AND AUDITS

- Finance, Accounts and Audits
30. The Central Council shall for the purposes of implementation of the Act have its own funds, make provisions for its appropriate use via an approved budget; and provide for maintenance of such accounts and reports with process of audits as may be prescribed by the Rules in this regard by the Central Government.

CHAPTER VII
MISCELLANEOUS

- Protection of action against good faith
31. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or against the Chairperson /President or any other Member of the Central Council or the State Council or the Committees or the Commission or the Board, as the case may be, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder in the discharge of official duties.
- Direction by Central Government
32. (1) The Central Government may, from time to time, issue such directions to the Central Council as in the opinion of said Government are conducive for the fulfilment of the objects of this Act and in the discharge of its functions, that Central Council shall be bound to carry out any such directions.

(2) Directions issued under sub-section (1) may include directions to a Central Council to make any rules or to amend or revoke any rules already made.

(3) Where the Central Government passes an order under sub-section (3) dissolving the Central Council, it may, pending the constitution of a new Central Council in accordance with the provisions of this Act, authorize any person or body of persons to take over the management of the affairs of the said Council and to exercise such functions as may be specified in this behalf by the Central Government.

Power to call for information

33. (1) The Central Government may, by a general or special order, call upon the Authority or the Council to furnish, periodically or as and when required any information concerning the activities carried on by the Councils, as the case may be, in such form as may be prescribed, to enable that Government, to carry out the purposes of this Act.

(2) The State Government may, by a general or special order, call upon the State Council to furnish, periodically or as and when required any information concerning the activities carried on by the Council in such form as may be prescribed, to enable that Government, to carry out the purposes of this Act.

Power to make decision on policies

34. (1) Without prejudice to the foregoing provisions of this Act, the Council shall, in exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time: Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether the question is one of policy or not shall be final

Act to have overriding effect

35. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to make Rules

36. The Central Government may, by notification, make Rules to carry out the provisions of this Act.

37. The Central Council may, subject to the control of the Central Government by notification in the gazette, make Rules for carrying out the purposes of this Act.

38. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the division of States across zones under sub-section (2) of section 3
- (b) the procedure and requirement for notification to the members under subsection (5) of section 4;
- (c) the appointment, conditions of service and remuneration of the Secretary, officer and other employees under sub-section (2) of section 9;
- (d) the manner and purpose for associating persons with the Central Council under section 10;
- (e) the time, place, procedure and quorum of the meeting of the Central Council under sub-section (1) of Section 11;
- (f) the minimum standards of education required for granting recognized qualifications under section 12;
- (g) the standards of professional conduct and etiquette and code of ethics under section 12;
- (h) the conditions where the Central Government may supersede the Central Council under section 14;
- (i) the appointment of panel of assessors under sub-section (4) of section 21;
- (j) the scheme of recognition of prior learning under sub-section (2) of section 22;
- (k) the scheme of reciprocity for recognition of international qualifications under sub-section (3) of section 22;
- (l) the maintenance of register under sub-section (1) of section 26;
- (m) the penalty for dishonest use of registration number or certificate under sub-section (3) of section 28;
- (n) the form and the time for preparation of budget of the Central Council under section 30;
- (o) the form and the manner of maintenance of books of account under section 30 and;
- (p) any other matter which is required to be or may be prescribed.

Power to amend Schedule

39. The Central Government, after consultation with the Council and after giving, by notification in the Official Gazette, not less than three months' notice of its intention so to do, may, by a like notification, add to or otherwise amend the Schedule for the purposes of this Act and thereupon the said Schedule shall be deemed to be amended accordingly.

Rules to be laid
before the
Parliament

40. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In order to keep pace with the advancement of medical science and development of new diagnostic and therapeutic techniques, there has been a quantum jump in the demand for allied and healthcare professionals as stated in the Schedule-I. This has resulted in the establishment of a large number of institutions and centres for the training of these professionals, many of which run without any supervision and control as to the quality and standard of education.

2. Maintenance of proper standards in the training and education of allied and healthcare professionals is considered essential as these personnel play a crucial role in healthcare delivery. With a view to regulating these professions, it is considered necessary to set up Council on the lines already existing for pharmacy, nursing, etc. To begin with, it is proposed to set up an overarching Council for all the categories prescribed under the Rules by the Central Government with individual committees for each professional. The Council will be responsible, inter alia, for maintenance of uniform standards of education in the respective disciplines and registration as well licensing of qualified personnel for practicing the professions.

3. The Bill seeks to achieve the above objects.