

डाक -व्यय की पूर्व अदायगी
के बिना डाक द्वारा भेजे जाने के
लिए अनुमत. अनुमति - पत्र .
क्र. रायपुर - सी.जी.

पंजीयन क्रमांक रायपुर डि वीजन



सत्यमेव जयते

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 10]

रायपुर, मंगलवार, दिनांक 15 जनवरी 2002 - पौष 25, शक 1923

विधि और विधायी कार्य विभाग
मंत्रालय, दाऊ कल्याण सिंह भवन, रायपुर

रायपुर, दिनांक 15 जनवरी 2002

क्रमांक 412/इक्कीस - अ (प्रा.) - छत्तीसगढ़ विधान सभा का अधिनियम, छत्तीसगढ़ सह-चिकित्सकीय परिषद् अधिनियम, 2001 (क्र. 25 सन् 2001) जिसे दिनांक 8-1-2002 को राज्यपाल की अनुमति प्राप्त हो चुकी है, एतद्द्वारा सर्वसाधारण की जानकारी के लिए प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
आई.एस.उबोवेजा, उप-सचिव.

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रायपुर, दिनांक 15 जनवरी 2002

क्रमांक 412 इकीस - अ (प्रा.) 2002 - भारत के संविधान के अनुच्छेद 348 के खंड (3) के अनुसरण में छत्तीसगढ़ सह-चिकित्सकीय परिषद् अधिनियम, 2001 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार के एतद्द्वारा प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार
आई.एस.उबोवेजा, उप-सचिव.

CHHATTISGARH ACT

(No. 25 of 2001)

THE CHHATTISGARH SAH CHIKITSA PARISHAD ACT, 2001

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CHHATTISGARH ACT

(No. 25 of 2001)

THE CHHATTISGARH SAH CHIKITSA PARISHAD ACT, 2001

A Act to provide for the establishment of Paramedical Council in the State and to regulate the practice by Paramedical Practitioners and Paramedical Education.

Be it enacted by the Chhattisgarh Vidhan Mandal in the Fifty second Year of the republic of India as follows :-

CHAPTER - I

PRELIMINARY

1. (1) This Act may be called the Chhattisgarh Sah Chikitsa Parishad Adhiniyam, 2001 (No. 25 of 2001).
(2) It extends to the whole of Chhattisgarh.
(3) It shall come into force on such date as the State Government may by notification appoint.
2. In this Act unless the context otherwise requires-
 - (a) "Council" means, the Chhattisgarh Sah Chikitsa Parishad established under Section 3.
 - (b) "Paramedical" means, any personnel qualified in paramedical subject and who helps in teaching or practice of-
 - (i) Medicine within the meaning of clause (i) of Section 2 of the Indian Medical Council Act, 1956 (No. 102 of 1956) ;or
 - (ii) Medicine in Homeopathy and Biochemistry within the meaning of clause (d) of Section 2 of the Madhya Pradesh Homeopathy Parishad Adhiniyam, 1976 (No. 19 of 1976); or
 - (iii) Medicine in Ayurvedic System, Naturopathy and Unani System within the meaning of clauses (b), (e) and (i) respectively of Section 2 of the Madhya - Pradesh Ayurvedic, Unani तथा Prakritik chikitsa Vyavsayi Adhiniyam, 1970 (No. 5 of 1970) ; or
 - (iv) Medicine within the meaning of Sub-section (c) of Section 2 of Chhattisgarh Chikitsa Mandal Adhiniyam, 2001 (No. 7 of 2001).
 - (c) "Paramedical Subject" means, the subject mentioned in the Schedule.
 - (d) "Recognized Paramedical qualification" means, a degree, diploma or certificate in any Paramedical subject granted by any University established by law or any other institution recognized by the State Government in this behalf.

Short title, extent and commencement.

Definitions.

- (e) "Registered Paramedical Practitioner" means, a person registered under this Act
- (i) "State Register" means, a register maintained under this Act and expression "Registered" and "Registration" shall be construed accordingly.

CHAPTER - II

ESTABLISHMENT AND CONSTITUTION OF CHHATTISGARH PARAMEDICAL COUNCIL

Establishment of
Council.

3. (1) The State Government shall, as soon as may be, establish, by notification, a Paramedical Council with effect from such date as may be specified therein,
- (2) The council shall be a body corporate by the name of the Chhattisgarh Paramedical Council, and shall have perpetual succession and a common seal with the power to acquire and hold property both moveable and immoveable and subject to the provisions made under this Act, to transfer any property held by it and to contract and do all other things necessary for the purposes of its constitution and may sue and be sued in its corporate name.

Constitution of
Council.

4. (1) The Council shall consist of the following members, namely:-

A-Ex-officio

- (i) Minister for Public Health, Family Welfare and Medical Education.
- (ii) Director Medical Education.
- (iii) Director Health Services.
- (iv) Director Indigenous Systems of Medicine and Homeopathy.
- (v) Chairman of the Vyavsayik Parishad Mandal Chhattisgarh or his nominee not below the rank of controller.

B-Nominated Members

- (vi) One Dean of State or Autonomous Medical College
- (vii) One Principal of State or Autonomous Ayurvedic College.
- (viii) One Professor of Orthopedics of Government or Autonomous Medical College or Principal of Autonomous College of Physiotherapy.
- (ix) One Professor and Head of Department of State or Autonomous Ayurvedic College in which the course in Paramedical subject is run.
- (x) One Professor and Head of the Department of State or Autonomous Ayurvedic or Homeopathy or Unani College in which any Paramedical subject is run.

C-Elected Members

- (xi) Five members to be elected from themselves by the registered Paramedical

practitioners in such manner as may be prescribed by regulations :

Provided that in the case of constitution of the Council for the first time after the commencement of the Act the members under this category shall be nominated by the State Government.

- (2) The member under clause (vi) to (x) of Sub-section (1) shall be nominated by the State Government.
- (3) No person shall at the same time serve as a member in more than one capacity.
- (4) The name of every person ex-officio, nominated or elected under Sub-section (1) shall be notified in the Gazette.

5. A Person shall not be qualified for being nominated or elected as a member of the Council, if-

Disqualification for membership.

- (a) He is not a citizen of India ; or
- (b) He is an un-discharged insolvent; or
- (c) He is of unsound mind and stands so declared by a competent court; or
- (d) He has been sentenced for an offence involving moral turpitude ; or
- (e) He is an employee of the Council and is remunerated by salary or honorarium; or
- (f) His name has been removed from the State Register, or from the Register of medical or paramedical practitioner under any Act for the time being in force.

6. (1) Save as otherwise provided in this Act, elected and nominated members shall hold office for a term of five years from the date of first meeting of Council :

Term of office of elected, nominated members of Council and nominee.

Provided that the members nominated under proviso to clause (xi) of Sub-section (1) of Section 4 shall hold office till the elected members have entered their offices, and the members so elected shall continue in the office for the unexpired term of nominated members under clauses (vi) to (x) of Sub-section (1) of Section 4

- (2) The nominee of the chairman of the Vyavsayik Parikshad Mandal Chhattisgarh shall hold office of member of the Council during the pleasure of the aforesaid chairman.
- (3) Not-with-standing the expiration of the term specified under Sub-section (1) the outgoing members shall continue in office till the nomination or election, as the case may be, of his successor.

7. The nominated or elected member of the Council may at any time resign from his office in such manner as may be prescribed by the regulations.

Resignation by nominated or elected members.

Disabilities for continuing as member of Council.

8. (1) If any member other than ex-officio member of the Council, during the period of his office-
- (a) Absents himself from three consecutive meetings of the Council with out the permission of the Council ; or
 - (b) Is absent out of India for a period exceeding twelve consecutive months; or
 - (c) Becomes subject to any of the disqualifications specified in Section 5; or
 - (d) Ceases to be registered medical practitioner under any Act for the time being in force;
- the Council shall declare his office vacant :

Provided that no declaration shall be made under this Sub-section unless a reasonable opportunity of being heard is given to the member concerned.

(2) Any member aggrieved by a declaration under Sub-section (1) may prefer an appeal to the State Government within ninety days from the date of such declaration and the decision of the State Government thereon shall be final.

Filling of casual vacancies.

9. If a nominated or elected member of the Council dies or resigns, or for any other cause whatsoever ceases to be a member, the vacancy shall be filled, as soon as may be, by nomination, or election, as the case may be, and the person so nominated or elected shall hold office for the un-expired term of his predecessor.

President and Vice-President of Council.

10. (1) Minister for Public Health, Family Welfare and Medical Education, shall be ex-officio President of the Council.
- (2) Director Medical Education shall be ex-officio Vice-President of the Council.
- (3) The President and Vice-President shall, subject to the provisions of this Act, exercise such powers and perform such duties as may be prescribed by this Act or regulations there under.

CHAPTER - III

CONDUCT OF BUSINESS

Convening of meeting.

11. (1) The President of the Council shall call and fix the date of every meeting.
- (2) The meeting of the Council shall be either ordinary or special.
- (3) The notice of every meeting specifying the time and place thereof and the business to be transacted thereat, shall be dispatched to every member fifteen clear-days before an ordinary meeting and seven clear days before a special meeting.
- (4) No business other than that specified in the notice relating the shall be transacted at a meeting except with the permission of the chair.

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| <p>12. The President may, whenever he thinks fit, call a special meeting and shall be bound to do so within two weeks of the receipt written requisition, signed by not less than seven members of the Council.</p> | <p>Powers of President to call special meeting.</p> |
| <p>13. (1) Any meeting of the Council may, with the consent of the majority of the members of the Council present, be adjourned from time to time, to a latter hour on the same day or to any other date, but not business other than left over at the adjourned meeting shall be transacted at such.</p> <p>(2) A notice of adjournment posted in the office of the Council or at the place of meeting on the day on which the meeting is adjourned, shall be deemed sufficient notice of the next ensuing meeting.</p> | <p>Adjournment of meeting</p> |
| <p>14. The President of the Council shall preside over the meeting. If the President of the Council is absent, the meeting of the Council shall be presided over by the Vice-President. If the President and the Vice-President are both absent, the members shall choose one of them to preside over the meeting.</p> | <p>Presiding of meeting.</p> |
| <p>15. (1) The quorum for a meeting shall be one third of the total number of members of the Council.</p> <p>(2) If at any time in the meeting there is no quorum, the presiding authority shall adjourn it to such time or date as it thinks fit and announce the same at once, and the business set down for the meeting shall be brought for ward at the subsequent meeting, whether at such meeting there is a quorum or not.</p> <p>(3) No business other than the business fixed for the meeting shall be transacted at such subsequent meetings.</p> <p>(4) A notice of such adjournment posted in the office of the Council or at the place of meeting on the day on which the meeting is adjourned shall be deemed sufficient notice of the subsequent meeting.</p> | <p>Quorum</p> |
| <p>16. Except as otherwise provided by or under this Act, all questions brought before any meeting of the Council shall be decided by a majority of the votes of the members present and in the case of votes being equal the presiding authority at the meeting shall have a second or casting vote.</p> | <p>Decision of questions by majority of votes.</p> |
| <p>17. (1) The minutes of the proceedings of each meeting of the Council shall be recorded in a book to be kept for the purpose. The names of members of the Council present there shall be entered in the minute book and it shall be signed in confirmation by the Presiding authority at the same or next ensuing meeting.</p> <p>(2) A copy of the minutes of the proceedings of each meeting of the Council shall be forwarded to the State Government within seven days from the date of its confirmation.</p> | <p>Minutes of proceedings.</p> |
| <p>18. No act of proceeding of the Council shall be invalid merely by reasons of-</p> <p>(a) Any vacancy in, or defect in the constitution there of : or</p> | <p>Vacancies etc. not to invalidate proceedings.</p> |

(b) Any defect in the election or nomination of a person acting as member thereof ; or

(c) Any irregularity in its procedure not affecting the merits of the case.

Proceedings of meeting to be good and valid.

19. Until the contrary is proved every meeting of the Council shall be deemed to have been duly convened when the minutes have been signed in accordance with the provisions of this Act.

Allowances of members of Council.

20. (1) The members of the Council shall receive such travelling and other allowances as may be prescribed by regulations :

Provided that the members of the Council who are Government employees shall not be entitled to receive such allowances.

(2) No member shall be entitled to any payment other than the payment as specified in Sub-section (1).

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

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

(2) The invitee shall be entitled to receive such allowances as specified in Section 20.

Committees.

22. (1) The Council may appoint, from time to time and for such period, a committee consisting of such members as it may think fit and may refer to such committee for enquiry and report or for opinion any matter for the purposes of this Act.

(2) Every committee appointed under Sub-section (1) shall at its first meeting select one of its members to be its chairman.

(3) The mode of appointment of such committee, the summoning and holding of meetings and the conduct of business of such committee shall be such as may be prescribed by the regulations.

CHAPTER - IV

POWER AND FUNCTIONS OF COUNCIL

Powers and functions of Council.

23. (1) Subject to the provisions of this Act and the rules made there under, the Council shall exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the powers and functions of the council shall be-

(a) to maintain the State register of paramedical practitioners ;

(b) to hear and decide appeals from the decision of the Registrar in such manner

as may be prescribed by regulations ;

- (c) to prescribe by regulations a code of ethics for regulating the financial conduct of registered paramedical practitioners ;
- (d) to reprimand a registered paramedical practitioner, to suspend or remove the name from the State Register, or to take such other disciplinary action against him, as may, in the opinion of the Council be necessary or expedient;
- (e) to permit any member to absent himself from three consecutive meetings of the Council;
- (f) to promote innovations, research and development in establishment of new paramedical subjects;
- (g) to formulate schemes for promoting paramedical education ;
- (h) to promote an effective link between paramedical education and medical education, Ayurvedic, Unani, Homeopathy and Biochemistry systems and to promote research and development in these subjects;
- (i) To lay down norms and standards for courses, curricula, physical, and instructional facilities, staff pattern, staff qualifications, quality in instructions, assessment and examinations;
- (j) to fix norms and guidelines for charging tuition fees;
- (k) to advise the State Government in respect of grant of charter to any paramedical institutions and Universities imparting paramedical education;
- (m) to inspect or cause or be inspected any paramedical institution ;
- (n) to constitute a board for conducting the examination to maintain uniformity of standard ;
- (o) to perform such other functions as may be prescribed by rules;
- (p) to conduct the elections of members under clause (xi) of Sub-section.

(1) of Section 4

CHAPTER - V

PARAMEDICAL INSTITUTIONS AND RECOGNITION

24. Where any paramedical institution is established or any paramedical institution opens a new or higher course of study except with the previous permission of The State Government in accordance with the provisions of this Act, no paramedical qualification granted to any student of such paramedical institution shall be a recognized qualification for the purpose of this Act.

Recognition of
Paramedical
qualification in certain
cases

Time for seeking permission for certain existing Paramedical institutions.

Recognition of Paramedical qualification granted by University or Paramedical institution in India.

Recognition of Paramedical qualification granted by Paramedical Institutions in countries with which there is a scheme of reciprocity.

Recognition of Paramedical qualification granted by certain Paramedical institutions whose qualifications are not included in the Schedule.

Power to require information as to courses of study and examinations.

Inspection of paramedical Institutions.

Withdrawal of recognition.

25. If any person has established a paramedical institution or any paramedical institution has opened a new or higher course of study or training or increases, the admission capacity, such person or paramedical 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 this Act.
26. The paramedical qualifications granted by Indian Medical institution, which the Indian in the regarding in the medical Council Act, 1956 (No. 102 of 1956) shall be recognized paramedical qualifications for the purposes of this Act.
27. (1) The paramedical qualification granted by medical institutions outside India which are included in the Schedule to the Medical Council Act, 1956 (No. 102 of 1956) shall be recognized paramedical qualifications for the purpose of this Act.
(2) The State Government after consultation with the Council may by notification in the Official Gazette amend the Schedule by directing that an entry be made therein in respect of any paramedical qualification declaring that it shall be recognized paramedical qualification only when granted before a specified date.
(3) Where the Council has refused to recommend any paramedical qualification which has been proposed for recognition by any Authority referred to in Sub-section (2) and that Authority applies to the State Government in this behalf, the State Government after considering such application and after obtaining from the Council a report, if any, as to the reasons for any such refusal may by notification in the Official Gazette amend the Schedule so as to include such qualification therein and the provision of sub-section (2) shall apply to such notification.
28. Any Paramedical institution in India which desires a paramedical qualification granted by it to be included in the Schedule, may apply to the State Government with such application fees as may be fixed by regulation to have such qualification recognized and the State Government after consulting the Council, may by notification in the official Gazette amend the schedule as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of Schedule against such paramedical qualification declaring that it shall be a recognized paramedical qualification only when granted after a specified date.
29. Every University of paramedical institution in India which grants a recognized paramedical qualification, shall furnish such information as the Council may, from time to time require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualifications conferred and generally as to the requisites for obtaining such qualification.
30. The Council shall cause all Paramedical Institutions to be inspected as and when deemed necessary.
31. (1) If it appears to the Council-

- (a) that the courses the study and examination to be undergone in or the proficiency required from candidates at any examination held by any University or paramedical institution; or
- (b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University or paramedical institution or in any college or other institution affiliated to that University do not confirm to the standards prescribed by the Council;

The Council shall take action for the withdrawal of recognition.

- (2) Before withdrawal of recognition the council shall send a show cause notice to the paramedical institution or University specifying the period within which the reply shall be submitted.
- (3) On receipt of the reply or where no reply is submitted within the period specified in the show cause notice then on the expiry of that period the Council shall take decision in the matter.

32. The Council may prescribe the minimum standards of paramedical education required for granting recognized paramedical qualifications (other than post graduate paramedical qualification) by University or Paramedical Institutions in India.

Minimum standards of Paramedical Education.

CHAPTER - VI REGISTRAR AND OTHER OFFICERS AND SERVANTS

- 33 (1) The Council shall, with the prior approval of the State Government, appoint a Registrar who shall act as Secretary of the Council.
- (2) The Council may, with the prior approval of the State Government, employ such other officers and servants as it may deem necessary for carrying out the provisions of this Act.
- (3) The qualifications, conditions of service and pay scale of Registrar and of other officers and servants shall be such as the Council may determine by regulations, with the prior approval of the State Government.
- (4) The council shall require and take from the Registrar or from any other officer such security for the due performance of his duties as the Council may deem necessary.
- (5) The Registrar or any other officer or servant appointed by the Council under this Section shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code 1860 (No. 45 of 1860).

Registrar and other Officers and Servants of Council.

34. (1) It shall be the duty of the Registrar to keep the State Register in accordance with the provisions of this Act and of any order made by the Council, to revise it from time to time in such manner as may be prescribed by regulations, to publish it in the gazette, and to discharge such other functions as are or may be required to be discharged by him under this Act and the Rules and Regulations made thereunder.

Duties of Registrar.

- under.
- (2) The Registrar shall see that the State Register is as far as possible correct at all time and may from time to time enter therein any material alteration in the address or qualifications of the Registered Paramedical Practitioners.
- (3) The Registrar may remove from the State Register the name of the Registered Paramedical Practitioner who dies or whose name is directed to be removed from the State Register or who ceases to be a Paramedical Practitioner.
- (4) On receipt of intimation from the practitioner the Council if satisfied that the practitioner has not ceased to practice then the Council may direct the Registrar to restore the name of such practitioner in the State register and the Registrar shall comply with such direction.

CHAPTER - VII

FUND OF COUNCIL

Fund of the council.

35. (1) The Council shall establish a fund to be called the fund of the Council.
- (2) The following shall form a part of, or be paid into the fund of the Council:-
- Any contribution or grant by Central or State Government;
 - Income of the Council from all sources including income from fees and fines;
 - Trust, donations, endowment or other grants, if any;
 - All other sums received by the Council.

Objects to which fund of the Council shall be applied.

36. The fund of the Council shall be applicable to the following objects, namely:-
- to the repayment of debts incurred by the Council for the purposes of this Act and the Rules and regulations made there under ;
 - to the expenses of any suit or legal proceeding in which the Council is a party;
 - to the payment of salaries and allowances to the officers and servants of the Council;
 - to the payment of allowances to the office bearers of the Council;
 - to the payment of any expenses incurred by the Council in carrying out the provisions of this Act and the Rules and Regulations made there under;
 - Any other expenses incurred for the promotion and development of paramedical education, research and training, declared by the Council to be in the general interest of paramedical profession.

Accounts and Audit.

37. (1) The accounts of the Council shall be prepared before such date and at such

intervals and in such manner as may be prescribed.

(2) The accounts of the Council shall be audited by a registered chartered accountant. The audit fee of the chartered accountant shall be fixed by the Council from time to time as per their regulations.

(3) As soon as the accounts of the Council are audited the Council shall send a copy thereof, together with a copy of the report of the Director Medical Education thereon, to the State Government in such manner as may be prescribed.

38. (1) The registrar shall cause to be prepared, in such form as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure and shall cause it to be laid before the Council at such time and in such manner as may be prescribed.

Budget.

(2) Within fifteen days from the date of the meeting in which the budget is passed, it shall be forwarded to the State Government.

(3) If the State Government is of the opinion that the provisions of the budget so forwarded to it are not adequate for carrying out the purposes of this Act, it shall return the budget to the Council for such modification as may be suggested by the State Government.

(4) The Council shall be competent to re-appropriate such amounts as may be necessary from one head to another and within such heads or minor heads.

(5) The Council may as and when required, pass a supplementary budget in such form and by such date as may be prescribed and the provisions of Sub-section (2), (3) and (4) shall apply to such supplementary budget.

CHAPTER - VIII

REGISTRATION AND STATE REGISTER

39. (1) Every person possessing a recognized qualification shall be eligible for enrolment on the State Register on furnishing to the Registrar proof of such qualification and on payment of such fee not exceeding five hundred rupees as may be prescribed and different fee may be prescribed for different qualifications.

Registration and State Register.

(2) The Council shall cause to be maintained a State Register of Paramedical Practitioners in such form as may be prescribed by regulation.

(3) It shall be the duty of the Registrar to keep and maintain the State Register in accordance with the provisions of this Act and of any order made by the Council and from time to time revise the Register and publish it in the Gazette and in such other manner as may be prescribed.

(4) The Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (No. 1 of 1872).

40. The Council may upon reference from the Registrar or otherwise, by order, prohibit

Power of council to prohibit entry in or to order removal from state Register name and any per person.

- the entry in, or order the removal from, the State Register, the name of any person-
- (a) who has been sentenced by a criminal court to imprisonment for an offence indicating in the opinion of the council such a defect in character as would render the enrolment or continuance of his name in the State Register undesirable; or
 - (b) whom the council after enquiry has found guilty of infamous conduct in any professional respect by a majority of two third of members of the Council present and voting at the meeting;

Provide that an order shall be passed under this section without giving a reasonable opportunity of being heard to the person concerned.

Alteration of State Register.

41. (1) The Council may, after giving the person concerned a reasonable opportunity of being heard and enquiring into his objections, if any, order that any entry in the State Register which in the opinion of the Council has been fraudulently or incorrectly made or brought about be cancelled or amended.
- (2) The Council may direct the removal for ever or for a specified period from the State Register, the name of any registered Paramedical Practitioner for the same reason for which registration may be prohibited by the Council under Section 40.
- (3) The Council may direct that the name removed under sub-section (2) shall be restored subject to such conditions, if any, which the Council may deem fit to impose.

Procedure in Inquiries.

42. For the purposes of any inquiry under the provisions of this Act, the council or committee appointed under Sub-section (1) of Section 22 shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 (No. 1 of 1872) and the Code of Civil Procedure 1908 (No. 5 of 1908) and shall exercise all powers of a commissioner appointed under the Public Servants (Inquiries) Act, 1850 (No. 37 of 1850).

Appeal against order of Council.

43. Any Person -
 - (1) Whose application for enrolment in the State Register is rejected under Section 39 or 41; or
 - (2) Whose entry in the State Register is prohibited under Section 40; or
 - (3) Whose name, from the State Register is removed, may, within ninety days of 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.

Prohibition on Practice except as provided in this Act.

44. (1) Save as provided in this Act, no person shall practice or hold himself out, whether directly or indirectly as practicing habitually for personal gain as a paramedical practitioner within the State.
- (2) Any person who contravenes the provisions of Sub-section (1) shall be punishable with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.

CHAPTER - IX

RULES AND REGULATIONS

45. (1) The State Government may make rules to carry out the purposes of this Act.
- (2) All rules made under this Act shall be laid on the table of the Vidhan Sabha.
46. (1) The Council may with the previous sanction of the State Government and subject to rules made under Section 45 make regulations to carry out the purposes of this Act, and without prejudice to the generality of foregoing power, such regulations may provide for :-
- (a) the management of the property of the Council and the maintenance and Audit of its account;
- (b) the manner of election of five members from the paramedical practitioners under clause (xi) of Sub-section (1) of Section 4;
- (c) the resignation by nominated or elected members of the Council;
- (d) the power and duties of the President and Vice-President;
- (e) the mode of appointment of committees, the summoning and holding of meetings and the conduct of business of such committees;
- (f) the travelling and other allowances payable to the members of the Council under Sub-section (1) of Section 20;
- (g) (i) the manner to hear and decide appeals from the decision of the Registrar under clause (b) of Sub-section (2) of Section 23;
- (ii) the code of ethics for regulating the professional conduct under clause (c) of Sub-section (2) of Section 23.
- (h) The qualifications, the conditions of service and pay scale of the Registrar and other officers and servants under Sub-section (3) of Section 33;
- (i) the manner of revision of State Register under Sub-section (1) of Section 34;
- (j) The form of State Register under sub-section (1) of Section 39;
- (k) any other matter for which under this Act provision may be made by regulation.
- (2) The State Government, on receiving regulations for sanction may sanction them subject to such modifications as it may think fit or return them to the Council for reconsideration.
- (3) All regulations shall be published in the gazette.

Power to make rules.

Power to make regulations.

(4) The State Government may, by notification, cancel any regulation.

CHAPTER - X

MISCELLANEOUS

Penalty for dishonest
use of certificate.

47. Any person who -

- (a) dishonestly makes use of any certificate of registration granted under this Act; or
- (b) procures or attempts to procure registration under the provisions of this Act by making or producing, or causing to be made or produced any false or fraudulent declaration, certificate or representation whether in writing or otherwise; or
- (c) willfully makes or causes to be made any false representation in any matter relating to certificate of registration issued under the provisions of this Act.

Shall on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees or with both.

Information to be fur-
nished by council.

48. The Council shall furnish such reports copies of its minutes, abstracts of its accounts and other information to the State Government as the State Government may require.

Power to Schedule.

49. The State Government may by notification, amend the Schedule so as to include there in any subject not already specified therein or omit therefrom any subject or modify the description of any subject.

Cognizance of offence.

50. (1) No court shall take cognizance of an offence punishable under this Act, except upon complaint in writing made by the Registrar or any other officer authorized by the Council in this behalf by general or special order.

(2) No court inferior to that of a magistrate of first class shall try any offence punishable under this Act.

Control
by state
Government.

51. If at any time it appears to the State Government that the Council has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the State Government may, if it considers such failure excess or abuse to be of a serious character, notify the particulars thereof to the Council, requiring it to remedy such failure, excess or abuse within such period as may be specified in the notice. The State Government may dissolve the Council and cause all or any of the powers and the duties of the Council to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to bring into existence a new Council.

SCHEDULE

[See Section 2 (c)]

1. Physiotherapy/Occupational therapy Course
2. Speech therapy Course
3. Audiologist
4. Laboratory Technician (Various types)
5. X-Ray Technician/Radiographer
6. B C G Technician
7. Cyto Technicians
8. Ortho Technicians
9. Mould Room Technician
10. Gamma Camera Technician
11. Orthotic Technician
12. Optometrist
13. Optometrist and Contact Lens Technician
14. E C G Technician
15. Ultrasound Technician
16. Angiography Technician
17. Operation Theater Technician
18. Degree, diploma and certificate in human nutrition
19. Dialysis Technician
20. Insulation therapy Technician
21. Health Inspector Course
22. Hospital Medical record Science

23. Compounder (Allopathy, Ayurveda, Unani, Homeopathy)
24. Compounder in Biochemistry
25. Diploma in Clinical Biochemistry
26. Microbiology
27. Pathology
28. Optometry refraction.
29. Paramedical Ophthalmic Assistant
30. Perfusionist/Cardiac Surgery Technician
31. Cath lab. Technician.