

PART – I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 31st March, 2020

No. Leg. 6/2020.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 25th March, 2020 and is hereby published for general information:-

HARYANA ACT NO. 6 OF 2020**THE HARYANA STATE COUNCIL FOR PHYSIOTHERAPY ACT, 2020****AN****ACT**

to provide for the constitution of the Haryana State Council for Physiotherapy for the purpose of registration of Physiotherapists in the State and for the recognition of institutions imparting training in the field of Physiotherapy and for co-ordination and determination of standards of education in the field of Physiotherapy and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Seventy-first Year of the Republic of India as follows:-

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| 1. | (1) This Act may be called the Haryana State Council for Physiotherapy Act, 2020. | Short title, extent and commencement. |
| | (2) It extends to the whole of the State of Haryana. | |
| | (3) It shall come into force on the date of its publication in the Official Gazette. | |
| 2. | In this Act, unless the context otherwise requires,- | Definitions. |
| | (a) “Council” means the Haryana State Council for Physiotherapy constituted under section 3; | |
| | (b) “Equivalence and Registration Committee” means the Equivalence and Registration Committee constituted under section 13; | |
| | (c) “Executive Committee” means the Executive Committee constituted by the Council under section 12; | |
| | (d) “Government” means the Government of the State of Haryana in the administrative department; | |
| | (e) “Inspector” means an Inspector appointed by the Executive Committee under section 24; | |
| | (f) “institution” means an institution recognized by the Council for imparting education and training in Physiotherapy; | |
| | (g) “member” means the member of the Council and includes the President and Vice-President; | |
| | (h) “Physiotherapist” means a person who possesses Physiotherapy qualification from a recognized institution and whose name has been enrolled in the register of Physiotherapists; | |
| | (i) “Physiotherapy” means a branch of modern medical science which includes examination, treatment, advice and instructions to any person preparatory to or for the purpose of or in connection with movement dysfunction, bodily malfunction, physical disorder, disability, healing and pain from trauma and disease, physical and mental conditions using physical agents including exercises, mobilization, manipulation, mechanical and electrical therapy, activity and devices or diagnosis, treatment and prevention; | |
| | (j) “prescribed” means prescribed by the rules made under this Act; | |

- (k) “recognised institution” means,-
 - (i) any institution established by law in force in the State of Haryana; or
 - (ii) any other institution recognised by the Government for the purpose of this Act;
- (l) “recognised university” means,-
 - (i) any university incorporated by law in India; or
 - (ii) any other university which is declared by the Government to be a recognised university for the purpose of this Act;
- (m) “register” means the register of Physiotherapists prepared and maintained by the Council under section 29;
- (n) “registered practitioner” means a Physiotherapist whose name is entered and continues to remain in the register;
- (o) “Registrar” means the Registrar appointed under section 16;
- (p) “regulations” means the regulations framed by the Council under this Act;
- (q) “State” means the State of Haryana..’.

Constitution of Council.

3. (1) The Government shall, by notification in the Official Gazette, constitute a body to be known as the Haryana State Council for Physiotherapy to exercise the powers conferred on and to perform functions assigned to it under this Act.

(2) The Council shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act and the rules made there under to acquire, hold and dispose of property, both movable and immovable and to enter into contracts and shall by the said name sue and be sued.

(3) The headquarters of the Council shall be at Panchkula, Haryana.

Composition of Council.

4. (1) The Government shall, by notification constitute a Council consisting of the following members, namely:-

- (i) Director, Medical Education and Research Department shall be the President;
- (ii) Deputy Director, dealing with the subject of Physiotherapy in Medical Education and Research Department shall be the Vice-President;
- (iii) one Physiotherapist amongst the teaching faculty from each of the Government teaching institutions in the State, to be nominated by the Government;
- (iv) three Physiotherapists amongst the teaching faculty in the Government Aided or private institutions in the State, to be nominated by the Government;
- (v) two members elected in the election conducted by the Council from amongst the registered practitioners;
- (vi) one member from the Haryana Medical Council to be nominated by the Government.

(2) The Registrar of the Council shall be the Member-Secretary.

Disqualifications.

5. (1) A person shall not be qualified to be nominated, as a member, if he,-

- (i) is of unsound mind and stands so declared by a competent court;
- (ii) 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) is an un-discharged insolvent;
- (iv) has been punished by the Council in any manner for infamous conduct in the profession;
- (v) has been removed or dismissed from the service of the Government or any institution;

- (vi) whose name has been removed or is not entered in the register; or
- (vii) has completed the age of sixty-two years.

(2) If any member absent himself from three consecutive meetings of the Council, without the permission of the Council, or without such reason as may, in the opinion of the Council, be sufficient, the Council may declare his seat vacant and take steps to fill the vacancy.

(3) If any member becomes or is found to be subject to any of the disqualifications mentioned in sub-section (1), the Council shall submit a report to the Government, and the Government, if satisfied about the disqualification, shall declare his seat vacant.

6. (1) The term of office of the member of the Council, other than the ex-officio members shall be three years from the date on which he assumes office.

Term of office of member.

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

(3) No member shall be nominated for more than two terms or up to the age of sixty-two years, whichever is earlier.

7. (1) Any casual vacancy arising in the office of a nominated member of the Council by reason of his death, resignation, removal or disability or otherwise, before the expiry of his term of office, shall be filled up within a period not exceeding six months from the date such vacancy occurs, in such manner, as may be prescribed.

Casual vacancy.

(2) Any person nominated under sub-section (1) shall hold office for the residual period of the term of the member in whose vacancy he has been nominated.

8. (1) A member other than ex-officio member may, at any time resign his office by giving a notice in writing addressed to the President of the Council and such resignation shall be forwarded to the Government.

Resignation.

(2) Every such resignation shall take effect from the date on which it is accepted by the Government.

9. (1) The Council shall meet at least twice in a calendar year and may also meet as many times, as necessary to transact its business.

Meetings of Council.

(2) The President, when present, shall preside over the meeting of the Council and in his absence, the Vice-President shall preside. In case both the President and Vice-President are absent, any other member elected by the members present from amongst themselves shall preside at such meeting. The Vice-President or the member presiding for that meeting, as the case may be, shall have all the powers of the President.

(3) All transactions of business at a meeting shall be decided by the votes of the majority of members.

(4) The presiding authority at a meeting in addition to his vote as a member of the Council, shall have a second or a casting vote, in case of equality of votes.

10. The quorum for the transaction of business at a meeting of the Council shall be one-third of the total number of the members including the President:

Quorum.

Provided that if within half an hour from the time fixed for the meeting, quorum is not complete, the President or Vice-President or the presiding member, as the case may be, shall adjourn the meeting to such hour on some future day, as it may notify on the notice board and website of the Council. The business which may have been brought before the original meeting shall be brought before the adjourned meeting and shall be disposed of in such meeting or any subsequent adjournment thereof, whether quorum is complete or not.

11. (1) 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.

Proceedings of meetings.

(2) No act or proceedings of the Council shall be invalidated merely on the ground of any vacancy or defect in the constitution of the Council.

- Constitution of Executive Committee.
- 12.** (1) The Council shall constitute an Executive Committee from amongst its members for performing such functions in the manner, as may be specified by regulations.
- (2) The Executive Committee shall consist of the following members, namely:-
- (i) the President of the Council shall be the Chairman;
 - (ii) the Vice-President of the Council shall be the Vice-Chairman;
 - (iii) the Registrar of the Council shall be the Member-Secretary;
 - (iv) one nominated member of the Haryana State Medical Council;
 - (v) one member each from sub-clauses (iii), (iv) and (v) of section 4, to be nominated by the President of the Council.
- (3) A member of the Executive Committee shall hold office until the expiry of his term of office as a member of the Council and he shall be eligible for re-nomination.
- (4) The Executive Committee shall exercise and discharge such powers and duties of the Council, as may be conferred upon it by regulations.
- Equivalence and Registration Committee.
- 13.** (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.
- (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, representing educationists and specialists in different branches of Physiotherapy.
- Sub-committees.
- 14.** The Council may constitute sub-committees from amongst its members for such purposes, as it considers necessary.
- Payment of fee and allowances.
- 15.** The non-official members of the Council shall be paid such fee and allowances for their attendance in connection with the meetings of the Council, as may be prescribed.
- Registrar.
- 16.** (1) The Government shall, by notification in the Official Gazette, appoint a Registrar who shall be a Physiotherapist.
- (2) The method of appointment, salary, allowances, suspension, dismissal, removal and other terms and conditions of service of the Registrar shall be such, as may be prescribed.
- (3) Subject to the general superintendence and control by the Council, the Registrar shall be responsible for the performance of day-to-day affairs of the Council and such other functions, as may be assigned to him by the Council from time to time.
- (4) During any temporary vacancy in the office of the Registrar due to leave or any other reason, the Executive Committee may, with the previous sanction of the Government, appoint any member to act in his place, and such person so appointed shall, for the period of such appointment, be deemed to be the Registrar for the purposes of this Act.
- (5) The accounts of the Council shall be maintained by the Registrar in such manner, as may be prescribed.
- (6) The Registrar shall have supervisory powers over the staff and shall perform such other duties and discharge such other functions, as may be prescribed.
- Other employees of Council.
- 17.** (1) The Council may with the previous approval of the Government, appoint such other officers and employees other than the Registrar, as it may deem necessary, for performing its duties and discharging its functions under this Act.
- (2) The method of appointment, salary and allowances, discipline and other terms and conditions of service of officers and employees appointed by the Council shall be such, as may be prescribed.
- Permission for establishment of new institutions.
- 18.** (1) Notwithstanding anything contained in this Act or any other State law for the time being in force, with effect from such date, as may be notified by the Government,-
- (a) no person shall establish an institution imparting Physiotherapy; or

- (b) no institution shall,-
- (i) open a new or higher course of study or training (including a post-graduate course of study or training) which may enable a student or such course or training to qualify for the award of any recognised Physiotherapy qualification; or
 - (ii) increase its admission capacity in Physiotherapy course of study or training (including a post -graduate course of study or training), except with the previous permission of the Government obtained in accordance with the provisions of this section.

(2) Every person or institution shall, for the purpose of obtaining permission under sub-section (1), submit an application to the Government and the Government shall, refer the application to the Council for its recommendations.

(3) On receipt of an application under sub-section (2), the Council may obtain such other particulars, as it may consider necessary and thereafter, it may,

- (a) if the application is defective and does not contain any necessary particulars, give a reasonable opportunity to the person concerned for making a written representation and it shall be open to such person to rectify the defects, if any, specified by the Council;
- (b) consider the application having regard to the factors referred to in sub-section (6) and submit the application together with its recommendations thereon to the Government.

(4) The Government may, after considering the application and the recommendations of the Council, approve the application. The approval granted shall be deemed to be permission under sub-section (1).

(5) In case of disapproval of the application, the reasons for such disapproval shall be recorded in writing and such decision along with the reasons shall be conveyed to the applicant:

Provided that the applicant may represent to the Government with clarifications for the objections raised by the Government and Government may, after considering those clarifications, grant the permission:

Provided further that nothing in this sub-section shall prevent any person whose application has not been approved by the Government to submit a fresh application and the provisions of sub-section (1) shall apply to such application.

(6) The Council, while making its recommendations under clause (b) of sub-section (3) shall have 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 is in a position to offer the minimum standard of education as specified by the regulations;
- (b) whether the person seeking to establish an institution or the existing institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;
- (c) whether necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided or shall be provided within the time limit specified in the application;
- (d) whether any arrangement has been made or programme drawn to impart training to students likely to attend such institution or course of study or training by persons having the recognized Physiotherapy qualification;
- (e) whether necessary 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 specified by regulations.

(7) Where the Government passes an order either approving or disapproving an application under this section, a copy of the order shall be communicated to the person concerned.

Explanation:- For the purpose of this section “person” includes any university, trust, society, institution or a company but does not include the Central Government or State Government.

Non-
recognition of
qualifications in
certain cases.

19. (1) Where after the commencement of this Act, any institution established without obtaining the previous permission of the Government as provided under this Act, any Physiotherapy qualification granted to any student by such institution shall not be a recognized qualification under 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, without the previous permission of the Government under this Act, the qualification granted to any student by such institution shall not be recognized qualification under this Act.

(3) Where any institution increases its admission capacity in any course of study or training without the previous permission of the Government as provided under this Act, any Physiotherapy qualification granted to any student of such institution on the basis of increase in its admission capacity shall not be a recognized Physiotherapy qualification under this Act.

(4) The criteria for identifying a student who has been granted a Physiotherapy qualification on the basis unauthorized increase in the admission capacity shall be such, as may be prescribed.

Time for seeking
permission for
certain existing
institutions.

20. (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 six months from the commencement of this Act, the permission of the Government in accordance with the provisions of this Act.

(2) If such institution fails to seek the permission under sub-section (1), the provisions of section 19 shall apply, so far as may be, as if, permission of the Government under section 18 has been refused.

Recognition of
Physiotherapy
qualifications.

21. (1) The qualifications granted by any recognised university or institution in the State which are recognized by the Haryana State Physiotherapy Council shall be recognized qualification for Physiotherapy and Physiotherapists after the date of commencement of this Act.

(2) Any recognised university or institution in India other than the State of Haryana which grants qualifications in Physiotherapy may apply to the Council seeking recognition of the Physiotherapy qualification being imparted by them. The Council shall further submit the proposal to the Government along with its recommendation to grant recognition to the Physiotherapy qualification provided by such recognised university or institution, by notification in the Official Gazette.

Effect of
recognition.

22. (1) A degree in Physiotherapy granted by a recognised university or by a recognized institution shall be sufficient qualification for enrolment in the register.

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

Provided that in case of a dispute as to whether a person is entitled to be enrolled, the matter shall be referred to the Equivalence and Registration Committee which shall consider the reference and make recommendations to the Executive Committee, whose decision shall be final.

(3) Notwithstanding anything contained in sub-section (1),-

(a) a citizen of India holding a qualification which entitles him to be registered with any Council of Physiotherapy in any foreign country recognized by the Government of that country, may with the approval of the Council, be enrolled temporarily in the register till the said qualification is recognized by the respective country;

- (b) a person not being a citizen of India who is employed as a Physiotherapy teacher in any hospital or institution in India recognized by the Government of the concerned State or Union Territory, for the purpose of teaching, research or charitable work, may, with the approval of the President of the Council, be enrolled temporarily in the register, for such period, as may be specified:

Provided that such person shall not be allowed to practice as a general Physiotherapist and such teaching or work shall be limited to the hospital or institution to which he is attached:

Provided further that no such enrolment under clause (a) shall be permitted unless the Council satisfies itself that such 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.

23. Every institution or recognised university in the State which grants any recognized qualification or a recognized higher qualification shall furnish such details and information, as the Council may, from time to time, require as to the courses of study and training and examinations to be undergone in order to obtain such qualification and generally as to the requisites for obtaining such qualification.

Power to require information as to courses of study and training and examination.

24. (1) The Executive Committee may by regulations framed in this behalf, appoint such number of Inspectors, as it deems necessary to inspect any institution where education or training in Physiotherapy is imparted, and to attend any examination held for the purpose of granting any recognized qualification or recognized higher qualification.

Inspectors.

(2) The Inspectors appointed under this section shall not interfere with the course of any examination but shall report to the Executive Committee on the suitability of the institution for the purposes of training and on the adequacy of the training therein, as the case may be or on the sufficiency of the standard of examinations and on any other matters with regard to which 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 a copy with the remarks, if any, to the Council and the Government.

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

Withdrawal of recognition.

- (a) the courses of study, training and examinations to be undergone to obtain a recognized qualification from any recognised 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; or
- (b) the staff, equipment, accommodation, training and other training provided in such university or institution are not in conformity with the regulations made under the Act or fall short of the specified standards, the Council shall make a representation to that effect to the Government. After considering such representation, the Government shall forward it, along with such remarks, as it may think fit, to the university or institution concerned with an intimation of the period within which the university or institution may submit its explanation to the Government.

(2) On the receipt of the explanation, if satisfied, the Government shall notify in the Official Gazette declaring that the qualification conferred by the said university or institutions shall be a recognized qualification.

(3) Where no explanation is submitted within the period fixed or dissatisfied with explanation advanced by the university or institution concerned, the Government shall, after making such further inquiry, if any, as it may think fit, by notification in the Official Gazette, withdraw the recognition given to the said university or institution and declaring that the qualification conferred by the said University or institutions shall be a recognized qualification only when granted before the specified date.

Registration.

- 26.** (1) Every person eligible for registration under this Act shall apply for registration to the Registrar.
- (2) An application for registration shall be in such form and shall be accompanied by such fee, as may be prescribed.
- (3) Every person who applies for registration in respect of any additional recognized qualification shall pay such fee, as may be prescribed.
- (4) Any person whose application for registration is rejected by the Registrar, may, within three months from the date of such rejection, file an appeal to the Council and the decision of the Council thereon shall be final.

Renewal of registration..

- 27.** (1) Every registration made under section 26 shall be valid for a period of five years and shall have to be renewed before the end of the fifth year failing which the name of the person shall be deemed to have been removed.
- (2) On payment of renewal fee and fine, if any, the Registrar, shall in such manner, as may be prescribed, issue a certificate of registration to the person concerned.

Withdrawal of application for registration.

- 28.** Where a person, who after submitting application for registration applies for withdrawal or his registration is refused, the application fee shall be forfeited.

Preparation and maintenance of register.

- 29.** (1) The Council shall maintain separate registers in such form and contain such particulars, as may be prescribed.
- (2) The registers shall be deemed to be public documents within the meaning of section 74 of the Indian Evidence Act, 1872 (Central Act 1 of 1872).

Removal of name from register.

- 30.** The Council may, by order, remove from the register the name of any Physiotherapist who has been convicted of a cognizable offence as defined by the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), or has been found guilty of professional misconduct after due enquiry.

Appeal against order of removal of name from register.

- 31.** (1) Where the name of any person has been removed from the register on any other ground except that he is not in possession of the requisite Physiotherapy qualifications, he may appeal to the Council in such form and manner along with such fee, as may be prescribed, within a period of thirty days. The decision of the Council shall be final.

- (2) No appeal under sub-section (1) shall be admitted if it is preferred after the expiry of a period of thirty days from the date of the order:

Provided that, an appeal may be admitted after the expiry of the said period of thirty days, if the applicant satisfies the Council that he had sufficient cause for not preferring the appeal within the said period.

Rights and privileges of Physiotherapist.

- 32.** No person, other than a Physiotherapist shall,-
- (a) hold office as Physiotherapist in the Government or in any institution maintained by a local or other authority;
 - (b) practice Physiotherapy anywhere in the State and recover in respect of such practice any expenses or fees to which he may be entitled;
 - (c) be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by an Physiotherapist;
 - (d) be entitled to give any evidence in any court as an expert under the Indian Evidence Act, 1872 (Central Act 1 of 1872), on any matter relating to the Physiotherapy.

Professional conduct.

- 33.** (1) The Council may make regulations prescribing the standards of professional conduct and etiquette and a code of ethics for Physiotherapist.
- (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 State 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 be removed there from, it shall report to the Council and the Council shall after such enquiry at 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 Government in such form and manner, within such time and on payment of such fee, as may be prescribed.

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

34. (1) The Council may frame regulations for determination of standards of education in the field of Physiotherapy required for granting recognized qualification in the State.

(2) 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 maintained;
- (d) any other conditions of admissions to examinations.

(3) The regulations shall be forwarded by the Council to the Government for approval.

(4) 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 deem fit.

35. (1) The Council shall furnish copies of its minutes, reports, abstracts of its accounts and other information to the Government whenever called for.

(2) 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 Government.

36. (1) The fund of the Council shall consists of-

- (a) registration fees;
- (b) grants received from the Government, if any;
- (c) all fee received, all income such as rent and profits derived from properties and funds vested in the Council, all grants and loss received, if any, from the Government, all endowments and donations received from any source, all other miscellaneous receipts and all remittances received in connection with the affairs of the Council.

(2) The Fund shall be deposited in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Central Act 2 of 1934), as may be decided by the Executive Committee.

(3) It shall be competent for the Council to incur expenditure for the following purposes, namely:-

- (a) salaries and allowances of the Registrar and the staff maintained by the Council;
- (b) fees and allowances paid to the members of the Council and the Executive Committee;
- (c) such other expenses, as are necessary for performing duties and discharging the functions under this Act.

37. 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 Government.

Standards of education.

Submission of reports etc. to Government.

Fund.

Budget.

Accounts and audit.

38. (1) The annual report and accounts of the Council shall be approved by it and shall be got audited every year:

Provided that the accounts of receipt and expenses of the fee levied and collected shall be duly certified by the Council in the annual report.

(2) The audit shall be done by a Chartered Auditor appointed by the Executive Committee from a panel approved by Comptroller and Auditor General and the Council shall bear the cost of such audit.

(3) The accounts of the Council may be audited by a competent authority of the State Government as and when the Government desires.

Prohibition against unauthorized conferment of degree etc.

39. (1) Save as provided by this Act or the rules made thereunder, no person shall confer, grant, issue or hold himself out as entitled to confer, grant or issue any diploma, certificate or other document stating or implying that the holder, grantee or recipient thereof is qualified to practice as a Physiotherapist.

(2) Whosoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to five lakh rupees and if the person contravening is an association, every member of such association who knowingly or wilfully authorizes or permits the contravention shall, on conviction, be punishable with fine which may extend to two lakh rupees.

Persons not registered under this Act not to practice.

40. (1) No person other than a person registered under this Act shall practice as a Physiotherapist.

(2) Any person who acts in contravention of this section shall on conviction be punishable,-

(a) in the case of a first offence with imprisonment for a term which may extend to six months and with fine which may extend to fifty thousand rupees; and

(b) in the case of a second or subsequent offence, with imprisonment for a term which may extend to one year, but which shall not be less than three months and with fine which shall not be less than two lakh rupees which may extend to five lakh rupees.

Members of Councils, officers etc. to be public servants.

41. Every member of the Council, all officers and employees appointed under this Act shall be deemed to be public servants within the meaning of section 25 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

Cognizance of offence.

42. 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.

Failure to surrender certificate of registration.

43. If any person whose name has been removed from the register fails without sufficient cause, forthwith to surrender his certificate of registration or renewed certificate of registration or both, he shall, on conviction, be punishable with fine of rupees fifty thousand per month for such failure.

Directions by Government.

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

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

Power to supersede Council.

45. (1) If at any time, it appears to the Government that the Council has failed to exercise, or has persistently made default in the performance of the duties imposed on it by or under this Act, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has wilfully or without sufficient cause failed to comply with any direction issued by the Government, the Government may, by notification in the Official Gazette, supersede the Council for such period, as may be specified in the notification:

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

- (2) Upon the publication of a notification under sub-section (1),-
- (a) all the members of the Council shall, notwithstanding that their term of office had not expired on the date of supersession, vacate their offices;
 - (b) all the powers and duties which may, by or under the provision of this Act, be exercised or performed by or on behalf of the Council shall, during the period of supersession, be exercised and performed by such person or persons as the Government may direct;
 - (c) all property vested in the Council shall, during the period of supersession, vest in the Government.

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

- (a) extend the period of supersession for such further period as it may consider necessary, but such period shall not more than two years; or
- (b) dissolve the existing Council and take steps to constitute a new Council.

46. (1) The Government may, by notification in the Official Gazette make rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

Power to make rules.

(2) The rules framed under sub-section (1) shall be subject to previous publication.

(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature.

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

Power to make regulations.

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

- (a) the management of the property of the Council;
- (b) the maintenance and audit of the accounts of the Council;
- (c) the rules of procedure for the transaction of business of the Council and its committees;
- (d) the qualifications, procedure for appointment of Inspectors, their powers and duties;
- (e) the courses and period of study or of training, to be undertaken, the subjects of examination and standards of proficiency therein to be obtained in any recognised university or in any institution for grant of recognized physiotherapists qualification;
- (f) the standards of staff, equipment, accommodation, training and other facilities for study or training of the physiotherapists;
- (g) the conduct of examinations, qualifications of examiners and the conditions of the admission to such examinations;
- (h) the standard of professional conduct and etiquette and code of ethics to be observed by physiotherapists professionals under section 33;
- (i) any other matter which is to be, or may be, made by regulation.

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

Power to
remove
difficulties.

48. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that, no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

BIMLESH TANWAR,
Secretary to Government Haryana,
Law and Legislative Department.