

DELHI COUNCIL FOR PHYSIOTHERAPY AND OCCUPATIONAL THERAPY ACT, 1997

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2. Definitions.—In this Act, unless there is anything repugnant in the subject or context.— (6) means the Delhi Council of Physiotherapy Occupational Therapy constituted under section 3 "Council" "Delhi" means the National Capital Territory of Delhi: "Government" means the Government of the National Capital Territory of Delhi "Inspector" means an Inspector appointed by the Council : institution" means institution "within or outside India which grants degrees, diplomas or licences in Physiotherapy or Occupational Therapy as the case may be: "Lieutenant Governor" means the Administrator of the National Capital Territory of Delhi appointed by the President under article 239 read with article 239 AA of the Constitution : member" means a member registered with the Council : "occupational therapist" means a person who possesses recognised occupational therapy qualification and whose name has been enrolled or deemed to be enrolled in the Delhi Register of Occupational Therapists : "occupational therapy" means the application of purposeful, goal-oriented activity through latest technology computerised system and the like in the evaluation, diagnosis, and or treatment of persons whose function is impaired by physical illness or injury, emotional disorder, congenital or developmental disability, or the aging process, in order to achieve optimum functioning, to prevent disability, and to maintain health, Specific occupational therapy services include but are not limited to, education and training in activities of daily living (ADL) : the design of prostheses and appliances (or) (splints) : guidance in the selection and use of adaptive equipment, (therapeutic) activities (or) functional performance : provocation of evaluation and training and consultation concerning the adoption of physical environments for handicapped. These services may be provided to individuals or groups and to both in-patients and out-patients : (It) "physiotherapist". means person who possesses recognised physiotherapy qualifications and whose name

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elected or member shall hold office for a term of five years from the date of his election or nomination, as the case may be : provided that the member nominated under section 3 shall hold office during the pleasure of the Government. (2) An elected or nominated member may, at any time, resign his membership by writing under his hand and addressed to and the seat of such member shall, from the date on which such communication is received by the President, (3) An elected or nominated member shall be deemed to have vacated his seat— if he is absent without the permission of the Council from its three consecutive ordinary meetings and his seat is declared vacant by the Council; or in the case of a member whose name is required to be included in the Register of Physio-therapists or Register of Occupational Therapists as the case may be, if his name is removed from such register, or if he ceases to be a member of the Council, or if he becomes subject to any of the disqualifications mentioned in section 9. : (4) Any vacancy occurring in the office of any member, on account of any reason whatsoever, shall be filled by fresh election or nomination as the case may be, and the person so elected or nominated shall hold office, subject to the provisions of section (1), for the remainder of the term for which the member was elected or nominated, as the case may be. a vacancy occurs in the office of the President or any of the Vice Presidents, whether by reason of his death, resignation or otherwise, it shall be filled by fresh election by and from amongst the members of the Council. (6) Members of the Council shall be eligible for re-election or re-nomination but no member shall be eligible for re-election or re-nomination if he has been a member for ten years continuously. Where the said term of five years is about to expire in respect of any member, a successor may be elected or appointed at any time within three months before the said term expires but he shall not assume office until the said term has expired. 9. Disqualification.—No one shall be a member if— (a) he is, or becomes, of unsound mind and stands so declared by a competent court; or (b) he is, or has been, convicted of any offence involving moral turpitude, which, in the opinion of the Government renders him unfit to be a member of the Council; he is, or at any time has been, adjudged as undischarged insolvent; or (d) his name has been removed from the Register and has not been re-entered therein; or (e) he is a whole-time officer or servant of the Council. 10. Physiotherapy Cell.—The Council shall have a Physiotherapy Cell to be headed by the Vice-President (Physiotherapy) referred to in sub-section (2) of section 6 and shall include,— (a) two physiotherapists from among the members referred to in clause (a) of section 3; and (b) the members referred to in clauses (c), (e) and (g) of section 3, (2) the Secretary shall assign the Cell in its activities to carry out its objectives. (3) Subject to the superintendence, direction and control of the Council, the Physiotherapy Cell shall be responsible and competent to deal with all matters related to Physiotherapy and Physiotherapists within the competence of the Council.

11. Occupational Therapy Cell.—The Council shall have an Occupational Therapy Cell to be headed by the President (Occupational Therapy) referred to in sub-section (2) of section 6 and shall include,— (a) two members referred to in clause (b) of section 3; and the member referred to in clauses (d), (e) and (g) of section 3. The Secretary shall assist the Cell in its activities to carry out its objectives. Subject to the superintendence, direction and control of the Council the Occupational Therapy Cell shall be responsible for and competent to deal with all matters related to occupational therapy and occupational therapists within the competence of the Council.

12. Meetings of the Council.—(1) The Council shall meet at least once a year at such time and place as appointed by the Council: Provided that the first meeting of the Council shall be held at such time and place as may be decided by the President. (2) Eight members (including the President and Vice President) shall form a quorum. When a quorum is not present, the presiding authority shall, after waiting for not less than thirty minutes for such quorum, adjourn the meeting to such hour or some day as it may notify on the notice board at the office of the Council; and the business which has been brought before the original meeting had there been a quorum present shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum or not. (3) At least fifteen clear days' notice, in writing, along with agenda proposed to be considered at a meeting of the Council, shall be given to the members for holding an ordinary meeting. (4) Agenda of the meeting shall be settled by the Secretary in consultation with the President. (5) An extra-ordinary meeting of the Council shall be convened if a requisition in writing by not less than one of the total number of members of the Council is made to the Secretary : Provided that such a meeting shall be convened within seven clear days from the date the requisition is received by the Secretary. EXPLANATION—The expression "clear days" in this section does not

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except with the previous permission or the Government obtained in accordance with the provisions of section 18.—For the purposes of this section "person" includes any University or a Trust or a Society or an institution but does not include the Central Government or the Government. Explanation 2.—For purposes of this section the permission capacity of a person or institution to take up a course or study shall be fixed by the Council. (a) No person or institution shall, for the purpose of obtaining permission under sub-section (1), submit to the Government a scheme in accordance with the provisions of clause (b) and Government shall refer the scheme to the Council (or its recommendations). The scheme referred to in clause (a) shall be in such form and contain such particulars as may be prescribed and be accompanied by such fee as may be prescribed. On receipt of a scheme by the Council under sub-section (2), the Council shall obtain such other particulars as may be considered necessary by it from the person or the institution concerned, and thereupon it may— (b) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or institution concerned for making such representation and if it shall be to such person or institution to rectify the defects, if any, specified by the Council: consider the scheme, having regard to the factors referred to in sub-section (7) and submit the scheme together with its recommendations thereon to the Government: The Government may, after considering the scheme and the recommendations of the Council under section (3) and after obtaining, where necessary, such other particulars as be considered necessary by it from the person or institution concerned and having regard to the factors referred to in sub-section (7) either approve (with such conditions, if as it may consider necessary) the scheme in which case such approval shall be deemed to be a permission under sub-section (1) or reject the scheme: Provided that no scheme shall be rejected by the Government except after giving the person or institution concerned a reasonable opportunity of being heard: Provided further that nothing in this sub-section shall prevent any person or institution whose scheme has been rejected by the Government to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if the scheme has been submitted for the first time under sub-section (1). Where, within a period of one year from the date of submission of the scheme to the Government under sub-section (2), no order has been communicated to the person or institution submitting the scheme, such scheme shall be deemed to have been approved by the Government in the form in which it has been submitted and accordingly, the permission of Government required under sub-section (1) shall also be deemed to have been granted. GAZETTE : EXT RAORD(NARY 29 containing IIIC line [insert specified in sub-section the time taken by the person or institution concerned in submitting IIIC scheme, in furnishing any particulars called by the Council, or by the Government, shall be excluded. The Council, while making its recommendations under clause (b) of sub-section (3) and the Government while an order, either approving or rejecting the scheme under sub-section (4), shall be due regard to the following factors: (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) 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19. Non-recognition of qualifications in certain cases.— (1) Where any institution is established except with previous permission of the Government in accordance with the provisions of section 18, no physiotherapy or occupational therapy qualification granted to any student of such institution shall be a recognised qualification for the purposes of this Act. (2) Where any institution opens a new or higher course of study or training (including a postgraduate course of training) except with the previous

permission of the Government in accordance with the provisions of section 181 no qualification granted to any student of such institution on the basis of such study or training shall be recognised qualification for the purposes of this Act (3) Where any institution increases its admission capacity in any course of study or training except with the previous permission of the Government in accordance with the provisions of section 18, no physiotherapy or occupational therapy qualification granted to any student of such institution on the basis of the increase in its admission capacity shall be recognised Physiotherapy or occupational therapy qualification for the purpose of this Act, Explanation.—For the purposes of this section, the criteria for identifying a student who has been granted a physiotherapy or occupational therapy qualification on the basis of the increase in the admission capacity shall be such as may be prescribed

20. Time for seeking permission for certain existing etc. (1) If before the commencement of this Act any person has established an institution or any institution has opened a new or higher course of study or training or increased its admission capacity, such person or institution, as the case may be, shall seek, within a period of one year from the commencement of this Act, the permission of the Government in accordance with the provisions of section 18 If any person or institution as the case may be, fails to seek the permission under sub-section (1) the provisions (2) of section 18 shall apply so far as may be, as if permission of the Government under section 18 has been refused, 21. Recognition of qualifications granted by Universities, etc. in India for Physiotherapy or Occupational Therapy The qualifications granted by any university or other institution in the country which are included in the schedule shall be the recognised qualifications for Physiotherapy, Occupational Therapy Professionals, Physiotherapists and Occupational Therapists. 30 DELHI GAZETTE • EXTRAORDINARY (2) Any University or other institution which grants for the physiotherapy or occupational therapy professionals not included in the schedule may apply to the Government to have such qualification and the Government may, after consulting the Council, by notification in the official Gazette, amend the schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last column of the schedule against such qualification only when granted after a specified date

22. Effect of Notwithstanding anything contained in any other law and subject to the other provisions contained in this Act, any physiotherapy or occupational therapy qualification included in the schedule shall be sufficient qualification for enrollment on the Register of Physiotherapists or the Register of Occupational Therapists as the case may be (2) No person shall, after the date of the commencement of this Act, be entitled to be enrolled in the Register as Physiotherapist or Occupational Therapist unless he or she holds a recognised qualification Provided that any person who was immediately before the said date entitled to be enrolled shall, on application made in this behalf, before the expiry of two years from the said date, be entitled to be enrolled : Provided further that where there is any dispute as to whether a person is so entitled (to be enrolled, the matter shall be referred to the respective Equivalence and Registration Committee which shall consider the reference and make recommendations to the Executive Committee whose decision shall be final. (3) (a) (b) Notwithstanding anything contained in sub-section (1) a citizen of India holding a qualification which entitles him to be registered with any Council of Physiotherapy or Occupational Therapy in any foreign country, may, with the approval of the Council, be enrolled as a physiotherapist or occupational therapist, as the case may be, a person not being a citizen of India who is employed as a physiotherapist or occupational therapist teacher in any hospital or institution in any State or Union Territory for the purpose of teaching, research or charitable work, may, with the approval of the President, be enrolled temporarily in the Register for such period as may be specified in this behalf in the order issued by the President : Provided the practice by such person shall be limited to the hospital or institution to which he is attached : Provided further that no such enrollment under clause (a) or clause (b) shall be permitted unless the Council satisfies itself that such person possesses the requisite knowledge and skill to practise physiotherapy or occupational therapy by conducting a screening test or such other test or examination as may be prescribed

23. Power to require information as to courses of study and training and examinations.— Every authority or institution in Delhi which grants any recognised qualification or a recognised higher qualification shall furnish such 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, as to the ages at which such courses of study and examinations are required to be undergone and generally as

to the requisites for obtaining such qualification. • The Executive Committee may, subject to regulations, if my, appoint such number of Inspectors as it deems necessary to inspect any institution where education or training in physiotherapy or occupational therapy is given, or to attend any examination held for the purpose of granting any recognised qualification or recognised higher qualification. (2) The Inspectors appointed under this section shall not interfere with the course of any examination but they shall report to the Executive Committee on the sufficiency of every examination at which they attend and of the courses of study and training at every institution which they inspect, and on any other matters with regard to which the Executive Committee may require them to report. (3) The Executive Committee, after consulting the respective Registration Committee, shall forward a copy of such report to the authority or institution concerned and shall also forward such a copy with remarks, if any, of the authority or institution concerned (hereon to the Government. 25, Withdrawal of When upon report by the Executive Committee, it appears to the Council — (a) that the courses of study and examination have undergone in or the proficiency required from candidates at any examination held by any authority or institution or DELHI GAZETTE : EXTRAORDINARY [that the staff, equipment, accommodation, training and other training provided in such institution. (b) do not conform to the standard prescribed by the Council. The Council shall make a representation to that effect to the Government. (2) After considering such representation, the Government shall forward it along with such remarks as it may choose to make to the authority or institution with an intimation or the period within which the authority or institution may submit its explanation to the Government. (3) On the receipt of the explanation or where no explanation is submitted within the period filed, then on the expiry period, the Government may, after making such further inquiry, if any, as it deems fit, by notification in the official Gazette, direct that an entry shall be made in the first or second schedule, as the case may be, against the said qualification declaring that it shall be a recognised qualification only when granted before a specified date or that the said qualification if granted to students of a specified institution shall be recognised physiotherapy or occupational therapy qualification only when granted before a specified date or as the case may be, that the said qualification shall be recognised qualification in relation to specified institution affiliated to any authority only when granted after a specified date

26. Prescription or standards of education in Physiotherapy and Occupational Therapy. The Council shall prescribe the minimum standards of education in physiotherapy and occupational therapy required for granting recognised qualifications in Delhi.

(2) of the draft regulations and all subsequent draft amendments thereof shall be sent by the Council to Government. (3) (b) (c) (5) particular, and without prejudice to the generality of the foregoing power, the regulations may prescribe — the nature and period of study and of practical training to be undertaken before admission to an examination; the equipment and facilities to be provided for students undergoing approved courses of study; the subjects of examination and standards therein; and any other conditions of admission to examinations: The regulations shall be published in the official Gazette and in such manner as the Council may direct. The Executive Committee shall, from time to time, report to the Council on the efficacy of these regulations and may recommend to the Council such amendments thereof as it fit

27. Renewal of registration.— Every enrollment of a person as a physiotherapist or occupational therapist made in the Register shall remain in force for period of five years and may be renewed from time to time for a period of five years on application being made by in such form, in such manner, within such period and on payment of such fees as may be prescribed. (1) The Council may by regulations prescribe standards of professional conduct and 28. Professional conduct — clause and a code of ethics for physiotherapists and occupational therapists. Regulations made under sub-section (1) may specify which violations thereof shall constitute professional (2) misconduct and such provision shall have effect notwithstanding anything contained in a. "So long as the law is in force. Whenever the Executive Committee after such enquiry as it thinks fit, recommends that the name or any (3) person enrolled in the Register of Physiotherapists or Register of Occupational Therapists be removed therefrom, it shall report to the Council and the Council shall after such enquiry as it may deem fit, by order, direct the removal of the name of such person from the said register either permanently or for such period as may be specified in the order. (4) Any person aggrieved by an order of the Council may prefer an appeal against that order to the Government in such form and manner, within such time, on such conditions and on payment of such fees as may be prescribed. On receipt of such appeal, the Government may, after giving the person concerned an opportunity of being

heard and after consulting the Council pass appropriate orders "hich suall be final and binding. information to be furnished.—The Council shall such reports. copies of its "linutes. abstracts of its ;tccounts. and other infonnation to the Govenuncßf as may be prescribed. DELHI GA-ZEITE EXTRAORDINARY CHAPTER IV FINANCE, ACCOUNTS AND AUDIT 30 Payment to the Council.— The Government may, after due appropriation, made by the Legislative Ass or Delhi, by law in this behalf, pay to the Council in each financial year such sums as it may consider necessary for performance of functions of the Council under this Act, (1) The Council shall have its Fund: all sums which may, from time to time, be paid to it by the Government and all the receipts of the Council (including registration fees for inspection of institutions, any sums received from any authority or person) shall be credited to the Fund and all payments by the Council shall be therefrom (2) All moneys belonging to the Fund shall be deposited in such nationalised banks or invested in such manner as may be decided by the Council. (3) The Council may expend such sums as it thinks fit for performing its functions under this Act and such be incurred as expenditure payable under this Act

32. Budget.— Council shall prepare, in such form and at such time each year as may be prescribed, a budget for the financial year next ensuing the estimated receipts and estimated expenditure and copies thereof shall be sent to the Government

33. Annual Report.— The Council shall prepare once every year, in such form and at such time as may be prescribed, an report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the Government

34. Accounts and audit.— (1) Council shall cause to be maintained such books of account and other books relating to its accounts in such form and in such manner as may, in consultation with the Comptroller and Auditor General of India, require to be prepared. (2) The Council shall as soon as may be, after closing its annual accounts prepare a statement of accounts in conformity with the accounts of the Comptroller and Auditor General of India by such date, as the Central Government may, in consultation with the Comptroller and Auditor General, determine. (3) The accounts of the Council as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Government and the Government shall cause the same to be laid before the Legislative Assembly of Delhi, CHAPTER V REGISTRATION 35. Persons entitled to Every person possessing the qualifications as a physiotherapist or occupational therapist mentioned in the Schedule* shall, subject to the provision contained in this Act and payment of such fees may be prescribed in this behalf, be entitled to have his name entered in the register. as the case may be, subject to such conditions as the Council may prescribe. (2) Every person applying for registration as physiotherapist or occupational therapist shall in his application declare that he is in full time practice of physiotherapy or occupational therapy. as the case may be. and not engaged in any other trade or business or profession. He shall further undertake that if, after registration he takes up or is engaged in some other profession or business he shall forthwith inform the Council of such service or employment or engagement and shall not practise as physiotherapist or occupational therapist as the case may be. His name shall be deleted from the Register, (3) The application of registration shall be accompanied by all documents required to be produced as given in the prescribed form. (4) The application for registration shall be submitted to the Secretary, who shall after scrutiny, place it before the Council in the next meeting for its recommendation and thereafter before the Council. with the recommendation of the Council. (5) Council may require any candidate to appear before it in support of any statement made by him in his application to such other particulars as may be required. (6) The Council may, if it thinks fit, cause to be examined the holder, of the certificate of registration, at any time within five years of the date of registration.