



THE INDIAN ASSOCIATION OF PHYSIOTHERAPISTS

Registered under 1 : Public Trust No. F-1335; 2 : Societies Act - XXI of 1860; No. 3376 of 1955-56
(Member of World Confederation for Physical Therapy)

WEST BENGAL BRANCH

Visit.us : www.physiotherapywb.org



EXECUTIVE COMMITTEE

2014 - 2017

CONVENER

ARUP KANTI SAHA

12/8/1, B.C.Roy Path,
Ganguly Para, P.O. Shyamnagar,
Dist North 24 Parganas,
Pin- 743127
Phone: (033) 2586 - 4591
Mob: 9433117547
e-mail: aksahapt@gmail.com

TREASURER

ARINDAM SETH

28, Nakari Mondal Road,
P.O.- Kanchrapara
Dist.- North 24 Parganas,
Pin- 743145
Mob: 9830515002
e-mail: arindam_seth2000@yahoo.com

EXECUTIVE MEMBER

KUNTAL CHAKRABORTY

147/1, 2B, Ambar Apartment,
Harisadan Patwaripara,
Santoshpur, Kolkata 700075
Mob: 9851748939
e-mail: needphysio@rediffmail.com

AJIT KUMAR GUPTA

76 B/10, Rai Mohan Banerjee Road,
Kolkata-700108
Mob : 9831880903
e-mail: ajit1st@gmail.com

SOUMYABRATA GHOSAL

S/O. Sunil Kumar Ghosal
Vill.- Chamadali, P.O.- Panskura
Dist.- Purba Medinipur,
Pin- 721139
Mob: 8116999851
e-mail: result.soumya@gmail.com

CO OPTED MEMBER

TAHMINA ISLAM AMIN

8/C, Mominpur Road
Kolkata - 700023
Mob: 9830315463
e-mail: tahm_pt@yahoo.co.in

RISHI RAJ

14, Rameswar Malia Lane,
Sharma Mansion, Howrah,
West Bengal, Pin : 711101
Mob: 8100597539
e-mail: rishi.raj07@gmail.com

Ref. IAP-WB/143/2014-2017

Date: 28.09.2015

TO,
The President,
Vice – President,
General Secretary,
Treasurer,
Convener Branch Co – Ord & Students Aff
Convener - Awards & Recognition
Convener - Legal Aff airs & Constitution

Sub:- "The WB Allied Medical & Paramedical
Council Act."

Dear Sir,

After a long standing continuous fight against
a strong and powerful opposition and hurdles in W.B. today
"the W.B. Allied Medical and Premedical Council Bill draft " has
been passed in the special assembly session in W.B.

I am sending the copy of the gazette of the said
council bill. Please go through the bill and send your valuable
comment in this regard as early as possible.

We are arranging a convention in this regard on 4th/
11th October, 2015 in Kolkata.

With hanks & regards,
Sincerely yours,

Please find the attachment

(ARUP KANTI SAHA)
Convener
IAP WB Branch

The

Kolkata **Gazette**

सत्यमेव जयते

Extraordinary
Published by Authority

BHADRA 25]

WEDNESDAY, SEPTEMBER 16, 2015

[SAKA 1937

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL**LAW DEPARTMENT****Legislative****NOTIFICATION**

No. 1155-L.—16th September, 2015.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 31 of 2015

**THE WEST BENGAL ALLIED-MEDICAL AND
PARA-MEDICAL COUNCIL BILL, 2015.**

**A
BILL**

to provide for the constitution of a Council of the Allied-Medical and Para-Medical professionals as well as for the coordinated development in the education of Allied-Medical and Para-Medical professionals with a view to regulating and maintaining standards of education, practice, maintenance of register of Allied-Medical and Para-Medical professionals and for matters connected therewith or incidental thereto.

WHEREAS, it has been found expedient by the State Government to provide for the constitution of an Allied-Medical and Para-Medical Council for the registration of Allied-Medical and Para-Medical Professionals, for the recognition of Institutions imparting training to such professionals in the State as well as for regulating their qualifications etc. and for matters connected therewith or incidental thereto;

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter I.—Preliminary.—Clauses 1, 2.)

It is hereby enacted in the Sixty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I

Preliminary

1. (1) This Act may be called the West Bengal Allied-Medical and Para-Medical Council Act, 2015.

(2) It extends to the whole of the State of West Bengal.

(3) Nothing in this Act applies to—

(a) the practice of any recognized system of medicine by a person, who is registered under the Bengal Medical Act, 1914; the Indian Medical Council Act, 1956; the West Bengal Homoeopathic System of Medicine Act, 1963; the West Bengal Yoga and Naturopathic System of Medicine Act, 2010 or the Paschim Banga Unani System of Medicine Act, 1979 or Act of similar kind;

Ben. Act VI of 1914.

102 of 1956.

West Ben. Act XXXIII of 1963.

West Ben. Act VI of 2010.

West Ben. Act XLV of 1979.

(b) the practice of dentistry or dental surgery by a person, who is registered under the Dentists Act, 1948 or Act of similar kind;

XVI of 1948.

(c) the practice of nursing or midwifery by a person, who is registered under the Bengal Nurses Act, 1934 or Act of similar kind;

Ben. Act X of 1934.

(d) the practice of pharmacy by a person, who is registered under the Pharmacy Act, 1948 or Act of similar kind; and

VIII of 1948.

(e) the practice of Acupuncture therapy by a person, who is registered under the West Bengal Acupuncture System of Therapy Act, 1996 or Act of similar kind.

West Ben. Act VIII of 1996.

(4) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint:

Provided that different dates may be appointed for different provisions of this Act and reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. In this Act, unless the context otherwise requires,—

(a) "Academic Sub-Committee" means such Sub-Committee constituted under sub-section (2) of section 32;

(b) "Aided Institution" means an Institution or College including University, run or managed by any trust, society or association of persons or organization, receiving financial aid or grant-in-aid from the State Government or the Central Government;

(c) "Allied-Medical professional" means any person having adequate professional qualification, who can practice his profession to assist a registered Medical practitioner in practice, or teaching or research of medicine and who can also administer appropriate non-pharmacological therapy and shall include professionals like physiotherapists, occupational therapists, clinical psychologists, Nutritionists etc. or those educated in such disciplines as mentioned in part A of Schedule II but shall not include Pharmacists, Nurses or Para-Medical professionals;

Short title, extent, exemption and Commencement

Definitions.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter I.—Preliminary.—Clause 2.)

- (d) "Allied or Para-Medical Practitioner" means a person, whose name has been entered in the registers of the Allied-Medical and Para-Medical Council;
- (e) "Council" means a common West Bengal Council of Medical Laboratory Technology or Radiology Technology or Physiotherapy or Occupational Therapy or any such Allied-Medical and Para-Medical Professionals as the case may be, constituted under section 3 having sets of separate registers for different Allied-Medical or Para-Medical discipline each having a distinct identity of its own;
- (f) "Department" means Department of Health and Family Welfare, State Government of West Bengal;
- (g) "Executive Committee" means the Executive Committee of the Council;
- (h) "Education" means programmes of education, research or training or such other areas of programmes as the State Government may, in consultation with the Council by notification, declare in such Allied-Medical and Para-Medical disciplines each having a distinct identity of its own as mentioned in Schedule II;
- (i) "Fund" means the fund of the Council established under section 66;
- (j) "State Government" means the State Government of West Bengal in the Department of Health and Family Welfare;
- (k) "Institution" means a professional educational college or an Institution including Board or University, by whatever name called, established by law for imparting education under this Act, which may lead to award of any degree, diploma or license in Allied-Medical or Para-Medical discipline;
- (l) "Medical laboratory" means a laboratory for diagnostic, therapeutic and research purpose being manned by qualified technical personnel under the supervision of a Medical professional or any such competent person;
- (m) "Member" means a member of the Allied-Medical and Para-Medical Council and includes its President and Vice-President;
- (n) "Non-pharmacological therapy" means and includes any recognized form of therapy like physiotherapy, occupational therapy, counseling, dietary advice, etc. but shall not include therapies, which can only be administered by a registered Medical practitioner, like acupuncture, radiotherapy etc.;
- (o) "notification" means a notification published in the *Official Gazette*;
- (p) "Para-Medical professional" means any person having adequate professional qualification, who can practice his profession to assist a registered Medical practitioner in practice, or teaching or research of medicine but who cannot administer any pharmacological or non-pharmacological therapy and shall include professionals, like Medical Technician or Technologists (laboratory medicine), Medical Technician or Technologists (Optometry), etc., educated in such disciplines as mentioned in part B of Schedule II but shall not include Pharmacists, Nurses, or Allied-Medical professionals;
- (q) "Prescribed" means prescribed by rules made under this Act;
- (r) "Professional courses" means the courses conducted in any of the discipline mentioned in the schedule of disciplines and such other courses as the State Government may, by notification in the *Official Gazette*, declare;

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter II.—The Council.—Clauses 3, 4.)

- (s) "register" means the register maintained under sub-section (1) of section 50;
- (t) "Registrar" means Registrar of the Council as appointed under sub-section (1) of section 27;
- (u) "Registration and Disciplinary Sub-Committee" means such committee constituted under section 25;
- (v) "Regulations" means regulations made under this Act;
- (w) "State Medical Faculty" means 'the State Medical Faculty of West Bengal' established under Bengal Govt. Resolution No. 2545 Medl. Dated 11th August, 1914;
- (x) "Schedule of Discipline" means a Schedule appended to this Act;
- (y) "University" means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an Institution declared to be a deemed University under section 3 of the said Act. 3 of 1956.

CHAPTER II

The Council

3. (1) The State Government shall, as soon as may be, by notification, constitute, for the purposes of this Act, a Council by the name of the West Bengal Allied-Medical and Para-Medical Council.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue and be sued.

(3) The head office of the Council shall be at such place of Kolkata as may be determined, by notification, by the State Government.

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

(a) Ex-officio members—

- (i) an officer of the Directorate not below the rank of Assistant Director of Health Services as nominee of the Director of Health Services, West Bengal;
- (ii) an officer of the Directorate not below the rank of Assistant Director of Medical Education Services as nominee of the Director of Medical Education, West Bengal;
- (iii) the Director-Technical Education, West Bengal or any officer of the Directorate as may be nominated by him;

(b) Nominated members—

- (i) four members to be appointed by the State Government from amongst the teachers of the each Medical discipline having a distinct identity of its own, mentioned in the Schedule I nominated by the State Government from amongst the faculty of the State run Medical Colleges;
- (ii) one member nominated by the State Government from amongst the teaching faculty of Nutrition of All India Institute of Hygiene and Public Health;

Establishment and
incorporation of
the Council.

Composition of
Council.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter II.—The Council.—Clauses 5-7.)

(iii) four members to be appointed by the State Government from amongst the teachers of the recognized institutions imparting education in physiotherapy or medical laboratory technology or radiology technology or any such Allied and Para-Medical discipline as mentioned under clause (c) of this sub-section;

(iv) the President of West Bengal Medical Council;

(v) President of the governing body of the State Medical Faculty;

(vi) Vice-Chancellor of concerned University conducting the courses;

(c) Elected members—

one member from each of Allied and Para-Medical discipline having a distinct identity of its own, mentioned in the Schedule II to be elected from amongst themselves by the registered Allied and Para-Medical Practitioners:

Provided that in the case of constitution of the Council for the first time after the commencement of this Act, the member under this clause shall be nominated by the State Government amongst such professionals of Allied and Para-Medical disciplines having adequate knowledge and experience of at least of 10 years duration.

(2) Names of every member, ex-officio, nominated or elected under sub-section (1), shall be notified in the *Official Gazette*.

Election.

5. (1) Elections under clause (c) of sub-section (1) of section 4 shall be conducted in such manner as may be prescribed.

(2) Where any dispute arises regarding any such election, it shall be referred to the State Government whose decision shall be final.

(3) The first election shall be held not before three years, from the first formation of the Council.

Restriction on election and membership.

6. (1) No person shall be eligible for election to the Council unless he possesses any of the recognized qualifications and, is registered on the register and resides in the State of West Bengal.

(2) No person shall, at the same time, hold the office as a member of the Council in more than one capacity.

Term of office and filling up of casual vacancy.

7. (1) Save as otherwise provided in this Act, a member of the Council shall hold office for a term of five years from the date of his appointment:

Provided that the members nominated under proviso to clause (c) of sub-section (1) of section 4 shall hold office till the elected members take charge of their offices, and the members so elected shall continue in the office for the unexpired term of nominated members under clauses (b) of sub-section (1) of section 4.

(2) The member nominated under section 4 shall hold office during the pleasure of the State Government.

(3) Notwithstanding the expiration of the term specified under sub-section (1) an outgoing member shall continue in office till the nomination or election, as the case may be, of his successor.

(4) An outgoing member shall be eligible for re-appointment, if otherwise qualified under section 9.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter II.—The Council.—Clauses 8-10.)

Filling up of
casual vacancies.

8. (1) A member shall be deemed to have vacated his office if he ceases to be a member under section 10.

(2) Any casual vacancy of a nominated or elected member arising in the Council, by his death, resignation, removal, disability or otherwise, before the expiry of his term of office, shall be filled up within a period of three months, by nomination or election, as the case may be, or by any such manner provided in this Act and rules made thereunder.

(3) The person, so nominated or elected to fill up the vacancy, shall hold office for the remaining unexpired term of the member, in whose vacancy he has been appointed.

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

Eligibility for
membership.

9. (1) Before appointing any person as a member, the State Government shall satisfy itself that the person is an Indian citizen of ability, integrity, social commitment and professional standing with adequate knowledge and experience, at least of 10 years, in dealing with Medical or Allied-Medical or Para-Medical education, or any other professional education or leadership of non-Medical academic Institutions imparting education in disciplines such as law, management or public administration.

(2) A person shall not be qualified for being appointed as a member of the Council, if—

- (a) he has not attained the age of majority; or
- (b) he is not a citizen of India; or
- (c) he is an undischarged insolvent declared or adjudicated by the competent court of law; or
- (d) he is of unsound mind or stands so declared by a competent court; or
- (e) he has been convicted for an offence involving moral turpitude; or
- (f) he has been dismissed from any service under the State Government; or
- (g) he is an employee of the Council and is remunerated by salary, honorarium or any kind of remuneration; or
- (h) his name has been removed from the State Register, or from the register of registered Allied-Medical, or Para-Medical professionals under any Act for the time being in force; or
- (i) he, in the opinion of the State Government has such conflict of, financial or other, interest likely to affect prejudicially the discharge by him of his functions as a member; or
- (j) he has such other disqualifications as may be prescribed by rules.

Cessation of
membership.

10. (1) An ex-officio member of the Council shall cease to be a member of the Council on his cessation of the service, by virtue of which he was appointed as a member of the Council.

(2) A member other than an ex-officio member of the Council shall cease to be a member of the Council—

- (a) on acceptance of his resignation; or
- (b) on becoming subject to any of the disqualifications mentioned in section 9; or
- (c) on his ceasing to be member of the Association or category from which he has been nominated as the case may be; or
- (d) on the expiry of the term of his office.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter II.—The Council.—Clauses 11-13.)

Resignation by
member.

11. (1) Any elected member of the Council may at any time resign from his membership by writing under his hand addressed to the President of the Council.

(2) Any nominated member may at any time resign from his membership by writing under his hand addressed to the State Government.

(3) A member, who has submitted his resignation under this section, shall continue to hold office of the Council until his resignation has been accepted by the Council or the State Government as the case may be:

Provided that such resignation of a member shall be finalised within three months of tendering such resignation.

Removal and
vacation of
membership.

12. (1) The Council may, without prejudice to the provisions of sub-section (2), by a majority of not less than two-thirds of its total members present and voting, at any time remove a member of the Council if it is satisfied that for any reason the continuance of that member in the Council is against public interest or is prejudicial to the interest of the Council.

(2) The Council may remove any member of the Council other than ex-officio members and shall declare his office as vacant, if he:—

- (a) becomes subject to any of the disqualifications specified under section 9; or
- (b) refuses to act or becomes incapable of acting as a member; or
- (c) has absented himself from three consecutive meetings of the Council without the permission of the Council; or
- (d) is absent for being out of India for a period exceeding twelve consecutive months; or
- (e) has abused the position of the President, the Vice-President or a member, as the case may be, as to render his or her continuance in the office detrimental to the public interest:

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

(3) Any member aggrieved by a declaration under sub-section (2) 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.

The President, the
Vice-President
and other office
bearer.

13. (1) The President and the Vice-President of the Council shall be elected by the members of the Council from amongst themselves at its first meeting:

Provided that in the case of constitution of the Council for the first time after the commencement of this Act, the State Government shall nominate one of the members to be its President and another member to be its Vice-President, both of whom shall hold office until the regular President and Vice-President are elected:

Provided that such nominated President and Vice-President shall hold office during the pleasure of the State Government.

(2) The President or the Vice-President, as the case may be, shall be deemed to have vacated his office, on his resignation being accepted by the State Government or on the expiry of his term of office as a member or on otherwise cessation of their membership.

(3) The President shall exercise such powers, discharge such duties and perform such functions as may be prescribed or as may be conferred or imposed upon it by the Council and he shall be the chief executive authority of the Council.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter II.—The Council.—Clause 14.—Chapter III.—Conduct of
Business.—Clause 15.)

(4) When the office of the President is vacant, the Vice-President shall exercise the powers and functions of the President until a new President assumes office.

(5) When the offices of both the President and the Vice-President are vacant or when both of them are incapacitated, the Director of Medical Education shall exercise the powers and perform the functions of the President until a new President or Vice-President is appointed and assumes office or the President or the Vice-President recovers from his incapacity.

(6) An outgoing President or Vice-President shall be eligible for reappointment for that office for another term, if otherwise qualified.

14. (1) The Council shall, as soon as may be, constitute an Executive Committee from amongst its members, as may be necessary for performing such functions upon observing the summoning and holding of meetings and such other procedures to conduct of business, as may be prescribed by rules.

(2) The Executive Committee shall consist of the following, namely :—

- (a) all the members of the Council as mentioned in clause (a) of sub-section (1) of section 4;
- (b) any two members of the Council nominated by the President on behalf of the Council from amongst the members as mentioned in clause (b) of sub-section (1) of section 4.

(3) The President and the Vice-President of the Council shall be the Chairperson and the Vice-Chairperson respectively of the Executive Committee.

(4) A member of the Executive Committee shall hold office as such until the expiry of his term of office as a member of the Council. Subject to his being a member of the Council, he shall be eligible for re-nomination.

(5) A member may resign from his membership of the Committee by writing under his hand addressed to the Chairperson of the Committee and action shall be taken to fill that seat in the same manner in which that seat was filled in.

(6) The Executive Committee shall exercise such powers, discharge such duties and perform such functions as may be prescribed by rules or as may be conferred or imposed upon it by the Council under the Act.

CHAPTER III

Conduct of Business

15. (1) Notwithstanding anything contained in this Act, the Council shall observe such procedures with regard to the conduct of meetings of the Council, the Executive Committee, and Sub-Committees, and shall observe such other conduct of business as may be prescribed by regulations.

(2) The Secretary of the Council shall convene and fix the date of every meeting in consultation with the President. The Council shall meet at least twice every year.

(3) All meetings of the Council shall be either ordinary or special.

(4) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat or agenda thereof, shall be dispatched to every member at least fifteen clear days before an ordinary meeting and at least seven clear days before a special meeting.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter III.—Conduct of Business.—Clauses 16-22.)

(5) The agenda of the meeting shall be settled by the Secretary in consultation with the President.

(6) No business, other than that specified in the notice relating thereto, shall be transacted at a meeting except with the permission of the Chair.

Special meeting.

16. The President may, whenever he thinks fit, call a special meeting, and shall be bound to do so within two weeks of the receipt of a written requisition, signed by not less than seven members of the Council.

Adjournment of meeting.

17. (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 later hour on the same day or to any other date, but no business other than left over at the adjourned meeting shall be transacted at such meeting.

(2) A notice of adjournment put up at any conspicuous place in the office of the Council or at the place of meeting, on the day on which the meeting is adjourned, shall be deemed to be sufficient notice of the next ensuing meeting.

Presiding of meeting.

18. (1) The President of the Council and in his absence the Vice-President shall preside over the meeting.

(2) If the President and the Vice-President are both absent, the members present shall choose one of them to preside over the meeting.

Quorum.

19. (1) The quorum for a meeting of the Council shall not be less than one-third of the total number of members of the Council.

(2) If at any time in a 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 scheduled for the meeting shall be carried forward at the subsequent meeting, whether at such meeting there is a quorum or not.

(3) No business, other than the business fixed for the meeting, shall be transacted at such subsequent meetings.

(4) A notice of such adjournment put up at any conspicuous place in the office of the Council or at the place of meeting on the day, on which the meeting is adjourned, shall be deemed to be sufficient notice of the subsequent meeting.

Decision of question by majority of votes.

20. 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 case of a tie the presiding authority of the meeting shall have to exercise a second or casting vote.

Vacancy, etc. not to invalidate proceedings of the Council.

21. No act or proceeding of the Council shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in, the constitution of said Council; or
- (b) any defect in the appointment of a person acting as a member of said Council; or
- (c) any irregularity in the procedure of the Council not affecting the merits of the case.

Minutes of proceedings.

22. (1) The minutes of proceedings of each meeting of the Council shall be recorded in a book to be maintained for the purpose.

(2) The names of the members of the Council present thereat shall be entered and signed in the minute book and it shall be signed in confirmation by the Presiding Authority at the same or the next ensuing meeting.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter III.—Conduct of Business.—Clauses 23-26.)

(3) A copy of the minutes of proceedings of each meeting of the Council shall, within seven days from the date of its confirmation, be forwarded to the State Government or any other authority appointed by it on its behalf:

Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution adopted by the Council, unless the Council directs such resolution to be treated as confidential.

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

allowances to the
members of
Council.

23. (1) All members of the Council shall be entitled to such travelling and other allowances as may be prescribed by regulations:

Provided that the members of the Council who are State 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 to
associate persons
with the Council.

24. (1) The Council may associate itself, in such manner and for such purposes as may be prescribed by regulations to be made in this behalf by the Council, with any person, whose assistance or advice it may require for carrying out any of the provisions of this Act.

(2) The Council may, if it thinks necessary, invite such person having special knowledge or experience in Para-Medical profession to its meeting, to hear his views on the subject.

(3) The invitee 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.

(4) The invitee shall be entitled to receive such allowances as specified in section 23.

Registration and
academic sub-
committees.

25. (1) The Council shall constitute a Registration and Disciplinary Sub-Committee and another Academic Sub-Committee and may refer any matter under this Act to such sub-committee(s) for enquiry and report or for opinion or recommendation.

(2) The recommendations of these Sub-Committees shall be subject to approval of the Executive Committee and the Council, unless otherwise provided in this Act.

(3) The composition, mode of appointment, tenure, powers and functions, the summoning and holding of meetings and the procedures to conduct business and other terms of office and conditions of members of such Committee shall be such as may be prescribed by regulations to be framed by the Council.

other sub-
committees.

26. (1) The Council may, by general or specific order from time to time, constitute any other Sub-Committee(s) for such general or specific purposes as it considers necessary for carrying out its functions under this Act and may refer to such sub-committee(s) for enquiry and report or for opinion or recommendation related to any matter under this Act.

(2) The recommendations of these Sub-Committees shall be subject to approval of the Executive Committee and the Council, unless otherwise provided in this Act.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter III.—Conduct of Business.—Clauses 27, 28.)

(3) The composition, mode of appointment, tenure, functions, the summoning and holding of meetings and the procedures to conduct business and other terms of office and conditions of members of such Committee shall be such as mentioned in the order under sub-section (1).

(4) Every Sub-Committee constituted under this section shall choose its own Chairperson:

Provided that—

- (a) where the President is a member of such Sub-Committee, he shall be the Chairperson of such Committee, and in his absence, the Vice-President, if he is a member of such Committee, shall be its Chairperson; and in the absence of both, any member chosen by the members of that Committee shall be its Chairperson;
- (b) where the President is not a member of such Sub-Committee but the Vice-President is a member, he shall be its Chairperson, and in his absence any member chosen by the members of the Sub-Committee shall be its Chairperson.

Appointment of
the Registrar,
other officers and
staff.

27. (1) For the purpose of discharging its functions efficiently under this Act, the Council may, with the prior approval of the State Government, appoint a Registrar, who shall also act as Secretary and if so decided by the Council shall also act as its Treasurer whenever considered necessary.

(2) For the purpose of assisting the Registrar in discharging his day-to-day duties, the Council may appoint a Deputy Registrar, who shall also act as Registrar during any temporary vacancy in the office of the Registrar due to leave or any other reason.

(3) The Council may establish separate administrative departments, one each for the Allied Medical and the Para-Medical disciplines, each having a distinct identity of its own under the Council for regulation of profession of that discipline, and may appoint an Assistant Registrar or any other officer for each such department.

(4) The Council may appoint such other officers and staff, as it may deem necessary and such other officers and staff shall perform their duties and discharge their functions under general superintendence and control of the Registrar and Deputy Registrar and under overall control of the Council.

(5) Notwithstanding anything contained in sub-section (1), after formation of the Council, for the first time till the first election is held, the Registrar shall be a person appointed by the State Government, who shall hold office during the pleasure of the State Government.

Power and duties
of Registrar, other
officers and staff.

28. (1) The Registrar shall act as Secretary of the Council and he shall be responsible for the performance of the day-to-day affairs of the Council and shall execute all legal documents for and on behalf of Council.

(2) Notwithstanding anything contained in section 4, the Registrar shall be the ex-officio member of the Council and its Executive Committee and shall attend all meetings of the Council, and of its Executive Committee, and shall record minutes of the meetings and names of members present and the proceedings of such meetings but shall not be entitled to vote thereat.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter III.—Conduct of Business.—Clauses 29-31.—Chapter IV.—Allied-Medical
and Para-Medical Education.—Clause 32.)*

(3) The accounts of the Council shall be kept by the Registrar in such manner as may be prescribed by rules.

(4) The Registrar and Deputy Registrar shall exercise supervisory powers over other officers and staff and shall perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed by regulation made thereunder or as may be assigned to him by the Council from time to time.

(5) The other officers and staff shall perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed by regulation made thereunder or as may be assigned to them by the Council from time to time.

(6) All orders and decisions of the Council shall be authenticated under the signature of the Registrar, and all other instruments issued by the Council shall be under the signature of the Registrar.

Control and
discipline of the
Registrar, other
officers and staff.

29. (1) The method of appointment, tenure of service, discipline and other terms and conditions of service of Registrar, Deputy Registrar, other officers and staff appointed by the Council shall be such as may be prescribed by regulations to be made in this behalf by the Council.

(2) The Registrar, Deputy Registrar, other officers and staff appointed by the Council shall be subject to such conditions of service and shall be entitled to such remunerations, pay and allowances as may be prescribed by regulations.

(3) The Council may cause for suspension, dismissal or removal of Deputy Registrar, other officers and staff or may initiate such other types of disciplinary action against them in such manner as may be prescribed by regulations and similar steps or action may also be taken by the Council against the Registrar subject to prior approval of the State Government.

(4) The Registrar, Deputy Registrar, other officers and staff shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Regional
Administrative
offices.

30. The Council may, with prior approval of the State Government, establish Regional Level Administrative Offices of the Council, which shall act merely as an administrative office of the Council to perform functions of information, coordination and liaison in regions inside or outside West Bengal.

Authentication of
orders and other
instruments of the
Council.

31. All orders and decisions of the Council shall be authenticated by the signature of the President, or any other member authorized by the said Council in this behalf, and all other instruments issued by the said Council shall be authenticated by the signature of the Secretary or any other officer of the said Council authorized by the said Council in this behalf.

CHAPTER IV

Allied-Medical and Para-Medical Education

Standards of
education.

32. (1) The Council shall, by regulation prescribe the minimum standards of education required for granting recognised qualifications by Universities or Institutions:

Provided that a set of separate standards of education, one for each of the Allied-Medical and Para-Medical disciplines, each having a distinct identity of its own, may be prescribed.

(2) For the preparation of first draft of regulation and subsequent revision thereof, the Council shall constitute an Academic Sub-Committee as per provision of section 25 and the Academic Sub-Committee shall place the first draft of regulations before the Executive Committee for its consideration, and shall from time to time,

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter III.—Conduct of Business.—Clauses 29-31.—Chapter IV.—Allied-Medical
and Para-Medical Education.—Clause 32.)*

(3) The accounts of the Council shall be kept by the Registrar in such manner as may be prescribed by rules.

(4) The Registrar and Deputy Registrar shall exercise supervisory powers over other officers and staff and shall perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed by regulation made thereunder or as may be assigned to him by the Council from time to time.

(5) The other officers and staff shall perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed by regulation made thereunder or as may be assigned to them by the Council from time to time.

(6) All orders and decisions of the Council shall be authenticated under the signature of the Registrar, and all other instruments issued by the Council shall be under the signature of the Registrar.

Control and
discipline of the
Registrar, other
officers and staff.

29. (1) The method of appointment, tenure of service, discipline and other terms and conditions of service of Registrar, Deputy Registrar, other officers and staff appointed by the Council shall be such as may be prescribed by regulations to be made in this behalf by the Council.

(2) The Registrar, Deputy Registrar, other officers and staff appointed by the Council shall be subject to such conditions of service and shall be entitled to such remunerations, pay and allowances as may be prescribed by regulations.

(3) The Council may cause for suspension, dismissal or removal of Deputy Registrar, other officers and staff or may initiate such other types of disciplinary action against them in such manner as may be prescribed by regulations and similar steps or action may also be taken by the Council against the Registrar subject to prior approval of the State Government.

(4) The Registrar, Deputy Registrar, other officers and staff shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Regional
Administrative
offices.

30. The Council may, with prior approval of the State Government, establish Regional Level Administrative Offices of the Council, which shall act merely as an administrative office of the Council to perform functions of information, coordination and liaison in regions inside or outside West Bengal.

Authentication of
orders and other
instruments of the
Council.

31. All orders and decisions of the Council shall be authenticated by the signature of the President, or any other member authorized by the said Council in this behalf, and all other instruments issued by the said Council shall be authenticated by the signature of the Secretary or any other officer of the said Council authorized by the said Council in this behalf.

CHAPTER IV

Allied-Medical and Para-Medical Education

Standards of
education.

32. (1) The Council shall, by regulation prescribe the minimum standards of education required for granting recognised qualifications by Universities or Institutions:

Provided that a set of separate standards of education, one for each of the Allied-Medical and Para-Medical disciplines, each having a distinct identity of its own, may be prescribed.

(2) For the preparation of first draft of regulation and subsequent revision thereof, the Council shall constitute an Academic Sub-Committee as per provision of section 25 and the Academic Sub-Committee shall place the first draft of regulations before the Executive Committee for its consideration, and shall from time to time,

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter IV.—Allied-Medical and Para-Medical Education.—Clause 33.)

review the prescribed minimum standards and report to the Council on the efficacy of these regulations and may recommend to the Executive Committee such amendments thereof as it may think fit.

(3) In particular, and without prejudice to the generality of the foregoing power, the regulations mentioned under sub-section (1) may prescribe—

- (i) the nature and period of study and of practical training to be undertaken before admission to an examination;
- (ii) subject of examinations for recognized qualifications, methods of assessment and evaluation, qualifications of examiners, the conditions of admissions to such examinations and the standards therein to be attained;
- (iii) any other conditions of admission to examination;
- (iv) the minimum standard of infrastructure and accommodation to be provided for study, practical training, administrative activities, hostel facilities and other facilities;
- (v) the types, minimum norms, standards and qualification of teaching faculties and non-teaching employees to be engaged for study and practical training;
- (vi) the types, minimum norms and standards of equipment and machineries facilities to be provided for study and practical training;
- (vii) the types, minimum norms and standards of forms, records and registers to be maintained;
- (viii) the minimum norms and standards of other facilities to be provided;
- (ix) any other norms or standard as the Council thinks necessary.

(4) Such standard shall also include the nature and period of such practical training or internship to be undertaken after passing the qualifying examination which is mandatory for registration and such practical training or internship shall be considered as an integral part of the whole education programme.

(5) For maintenance of such standard, the Council shall monitor and evaluate performance of the Institutions granting recognized qualifications in the State and other bodies constituted under this Act and take appropriate action based on such evaluation, as may be prescribed by the rules:

Provided that nothing contained under this section shall apply to State Medical Faculty of West Bengal, for its existing Courses.

Classification,
nomenclature and
definition.

33. (1) For the purpose of prescribing separate standards of education under section 32, the Allied-Medical or Para-Medical disciplines shall be defined and classified into following mutually exclusive categories, which include—

- (a) "Clinical Psychology", which means an Allied-Medical discipline concerned with the application of medically directed diagnostic and therapeutic procedures through use of integration of methods and techniques based on principles of Psychology with the Biological, Medical and Social Sciences or any other appropriate technique in evaluation, examination, treatment, counseling or rehabilitation of or for a case who have or are suspected of having psychological disorder for the purpose of providing Clinical Psychology services to such case. Such Clinical Psychology services includes (i) psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning; and

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter IV.—Allied-Medical and Para-Medical Education.—Clause 33.)

- (ii) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; and (iii) diagnosis, including etiology and prognosis, and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological and neuropsychological aspects of physical illness, accident, injury, or disability; and (iv) psycho-educational evaluation, therapy, remediation, and consultation;
- (b) "Dietetics and nutrition" which means an Allied-Medical discipline concerned with the application of various Medically directed therapy or therapeutic procedure through integration of principles derived from the science of nutrition, biochemistry, physiology, food, and management and from behavioral and social sciences in evaluation, examination, treatment, counseling or rehabilitation of or for a case who have or are suspected of having dilatory or nutritional disorder/impairment for the purpose of providing nutrition care services to such case. Such Nutrition care services include: (i) Assessing the nutritional needs of individuals and groups, and determining resources and constraints in the practice setting; and (ii) Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints; and (iii) Providing nutrition counseling in health and disease; and (iv) Developing, implementing, and managing nutrition care systems; and (v) Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition services; and any other appropriate services;
- (c) "Medical Technology (Laboratory Medicine)" which means a Para-Medical discipline concerned with the application of various Medically directed diagnostic procedures like chemical, microscopic, pathological, bacteriological, genetic or other bio-immunological and Medical laboratory procedures through use of various chemical reagents or biological agents and appropriate laboratory techniques in collection and handling of specimens like human or animal tissues, body fluids, excretions and samples like food, water etc. in performing tests, examination or analysis of those specimen and samples and producing laboratory report and in preparation of cultures, vaccines, sera or other biological or microbiological products with the aid of laboratory or other Medical equipment for the purpose of providing assistance to the physician in diagnosing a case or teaching a student or carrying out research;
- (d) "Medical Technology (Nuclear medicine)" which means a Para-Medical discipline concerned with the application of Medically directed therapeutic procedure through use of unsealed ionizing radiation source and appropriate techniques in treatment of or for a case for the purpose of providing assistance to the physician in treating such case or teaching a student or carrying out research;
- (e) "Medical Technology (radio-diagnosis)" which means a Para-Medical discipline concerned with the application of Medically directed diagnostic procedures through use of ionizing (X-Rays) or non-ionizing radiation (like magnetic resonance, radio-frequency waves and ultrasound) and appropriate techniques in producing diagnostic images for the purpose of providing assistance to the physician in diagnosing a case or teaching a student or carrying out research;

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter IV.—Allied-Medical and Para-Medical Education.—Clause 33.)

- (f) "Medical Technology (Radiotherapy)" which means a Para-Medical discipline concerned with the application of Medically directed therapeutic procedure through use of a sealed ionizing radiation source or any other radiation including electron beam laser beam or proton etc. and appropriate techniques for the purpose of providing assistance to the physician in treating a case or teaching a student or carrying out research;
- (g) "Occupational therapy" which means an Allied-Medical discipline concerned with the application of Medically directed therapeutic procedure through use of purposeful, goal oriented creative, manipulative, educational, pre-vocational evaluation and self-care activities which engage the individual's body and mind in meaningful, organized, and self-directed actions in evaluation, examination, treatment, counseling or rehabilitation or for a case who have or are suspected of having functions impaired by physical illness or injury, emotional disorder, congenital or developmental disability, or the aging process for the purpose of providing occupational therapy services to such case. Such occupational therapy services include (i) education and training in activities of daily living and (ii) designing or fabricating selective temporary orthotic devices, and (iii) applying or training in the use of assistive technology or orthotic and prosthetic devices (excluding gait training); and any other appropriate services for the purpose of providing assistance to the physician in diagnosing a case or teaching a student or carrying out research;
- (h) "Physiotherapy" which means an Allied-Medical discipline concerned with the application of Medically directed therapeutic procedure through use of physical agents including heat, cold, light, water, electricity, or techniques like massage manual or mechanical exercises, mobilization, manipulation remedial gymnastics or any other appropriate technique in evaluation, examination, treatment, counseling or rehabilitation of or for a case who have or are suspected of having physical disorder or impairment for the purpose of providing physiotherapy services to such case. Such Physiotherapy services include (i) assessment of neuromusculoskeletal and cardio-respiratory systems and establishment of a physiotherapy diagnosis; and (ii) development, progression, implementation and evaluation of therapeutic exercise programmes; (iii) ergonomic evaluation, modification, education and counseling; and (iv) administration of physical therapy related medications as prescribed by a physician; and (v) application of braces, splints, taping, mobility aids or seating equipment, and any other appropriate services for the purpose of providing assistance to the physician in diagnosing a case or teaching a student or carrying out research;
- (i) "Speech therapy and Audiology" which means an Allied-Medical discipline concerned with the application of Medically directed diagnostic and therapeutic procedures through use of appropriate techniques in evaluation, examination, treatment, counseling or rehabilitation of or for a case who have or are suspected of having a speech, voice or language disorder or impairment, or a hearing disorder or impairment for the purpose of providing Speech therapy and Audiology services to such case. Such services include (i) intervention regarding noise control and hearing conservation; and (ii) evaluations of environment or equipment, including calibration, used in testing auditory functioning; and any other appropriate services.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clauses 34, 35.)*

Explanation I.— ‘application’ means carrying out procedures or rendering advice.

Explanation II.— ‘appropriate technique or service’ means any technique or service which the State Government on the recommendation of the Council by notification published in the *Official Gazette* declares to be appropriate technique or service for the purposes of this Act.

(2) The Council shall have the power to declare any amendment by modification, or substitution of any definition, classification or nomenclature and to delete or add any category mentioned in sub-section (1) to be published by notification in the *Official Gazette* from time to time.

34. (1) Notwithstanding anything contrary contained in any other law for the time being in force, with effect from the date as may be notified by the State Government, the Council, for the purpose of maintaining the standards of education, shall, by issue of notification, frame guidelines for the admission criteria in any Institution, as may be required from time to time or as may be deemed necessary by the Academic sub-committee with the approval of the concerned University for graduate and post-graduate courses and for diploma courses as may be prescribed by regulation.

Explanation.—The ‘admission’ shall include admission to any undergraduate or post-graduate professional courses for obtaining primary or higher qualification of any kind.

(2) The Academic Sub-Committee shall prepare the first draft of regulations to be placed before the Executive Committee for its consideration, and shall, from time to time, review the prescribed minimum standards and report to the Council on the efficacy of these regulations and may recommend to the Executive Committee such amendments thereof as it may think fit.

(3) Where the Council, on receipt of any complaint or otherwise, is satisfied after due inquiry that the Institution has given admission to a student in contravention of the adopted Admission Criteria, it may direct the concerned Institution to cancel such admission against refund of the fees to the concerned student as well as to further direct the Institution to give admission to the next eligible student as *per* notified guidelines.

35. (1) Notwithstanding anything contrary contained in this Act or in any other law for the time being in force, with effect from the date as may be notified, no person shall establish or conduct any Institution; nor any Institution shall conduct any professional course, nor open a new or higher professional course of study or training, nor increase its admission capacity in any professional course of study or training, nor shall impart Allied-Medical or Para-Medical education in any manner which would enable a student of such course or training or education to qualify himself for the award of any recognized Allied-Medical or Para-Medical qualification without the prior permission in the form of recognition by the State Government obtained in accordance with the provisions of this Act.

Explanation I.— For the purposes of this section “person” includes—

- (a) individual living person;
- (b) a society registered under the Societies Registration Act, 1860 or corresponding enactments in States; or 21 of 1860.
- (c) a public religious or charitable trust registered under the Trust Act, 1882 or the Wakf Act, 1995; or 2 of 1862.
43 of 1995.
- (d) a body, group or association of individuals, and organization, a firm, a trust or society or a company registered under any law for the time being in force.

mission
criteria.

mission of the
the Government
imparting
cation.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clauses 36, 37.)*

Explanation II.—For the purposes of this section “admission capacity” in relation to any professional course of study or training (including post-graduate professional course of study or training) in an Institution means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(2) Notwithstanding anything contained in this Act, the State Government may prescribe by rules the detailed procedure to obtain the permission mentioned under sub-section (1).

(3) If any person has established an Institution or any Institution has opened a new or higher professional course of study or training or increases the admission capacity before the commencement of this Act, such person or Institution, as the case may be, shall seek the permission of the State Government in accordance with the provisions of this Act within a period of six months from the date mentioned in sub-section (1).

(4) If the Institutions applying for permission or approval do not conform to the standards fixed by the State Government or fulfil the terms and conditions in this regard, a provisional permission or approval may be granted to the Institutions subject to the condition that the facilities in accordance with the standards fixed by the State Government shall be provided within a period of two years from the date of commencement of this Act.

(5) If the Institutions do not provide the facilities in accordance with the standards fixed by the State Government within the period specified in sub-section (3), the permission or approval granted under sub-section (4) shall be withdrawn forthwith.

Note.—The provisions of this section will not be applicable in case of State Medical Faculty of West Bengal, for its existing Courses.

Non-recognition
of qualifications
in certain cases.

36. (1) Where any Institution is established except with the previous permission of the State Government in accordance with the provisions of section 35, no qualification granted to any student of such Institution shall be a recognized qualification for the purposes of this Act:

Provided that nothing contained in this sub-section shall apply to State Medical Faculty of West Bengal for its existing Courses.

(2) Where any Institution opens a new or higher professional course of study or training except with the previous permission of the State Government in accordance with the provisions of section 35, no qualification granted to any student of such study or training shall be a recognized qualification for the purposes of this Act.

(3) Where any Institution increases its admission capacity in any professional course of study or training except with the previous permission of the State Government in accordance with the provisions of section 35, no qualification granted to any student of such Institution on the basis of the increase in its admission capacity shall be recognized qualification for the purposes of this Act.

Time for seeking
permission for
certain existing
Institution.

37. (1) If before the commencement of this Act, any person has established an Institution or any Institution has opened a new or higher professional course of study or training, etc. or has increased its admission capacity, such person or Institution, as the case may be shall seek, within a period of one year from the commencement of this Act, the permission of the State Government in accordance with the provisions of section 35.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clauses 38, 39.)*

(2) If any person or Institution, as the case may be, fails to seek the permission in terms of sub-section (1), the provisions of section 35 shall apply, so far as may be, as if permission of the State Government under this section is deemed to have been refused:

Provided that nothing contained in this section shall apply to the Institution recognized by the State Medical Faculty of West Bengal for its existing Courses.

38. (1) In order to maintain the standard of education, any person or Institution intending to obtain approval or permission under section 35 shall obtain a 'no objection certificate' regarding desirability and feasibility to impart education from the State Government before submitting a scheme under this section.

(2) The State Government shall issue such 'no objection certificate' in the form of an 'essentiality certificate' in such manner subject to fulfilment of such terms and conditions as may be prescribed by rules.

(3) Every person or Institution intending to impart education, shall, for the purpose of obtaining approval or permission under section 35, submit to State Government an application in the form of a scheme in accordance with the provisions of sub-section (4) and the State Government shall refer the scheme to the Council for its recommendations.

(4) The scheme referred to in sub-section (3) shall be in the form containing such particulars and shall be preferred in such manner and shall be accompanied by such supporting document and such fee as may be prescribed by rules.

(5) Any change in address or situation of the Institution or of faculty or staff belonging to, or any other particulars mentioned under sub-section (4) shall be communicated by the applicant or the person conducting the Institution to the Council not later than thirty days after such change specifically mentioning the exact date when such change occurred.

(6) No applicant under sub-section (3) shall try to obtain the recognition by misrepresentation of facts, fraudulent practices, falsification of documents, or user of unfair means.

(7) Before submitting the scheme, the person or the Institution has to fulfil such eligibility and qualifying criteria as may be prescribed by rules.

39. (1) On receipt of a scheme from the State Government under sub-section (4) of section 38, the Council may, with or without causing any enquiry, assessment, visit in such a manner as it thinks fit,—

- (a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or Institution concerned for making a written representation and it shall be open to such person or Institution to rectify the defects, if any, specified by the Council;
- (b) evaluate and consider the scheme, having regard to the factors mentioned in section 40 and forward its recommendation thereon to the State Government.

(2) Notwithstanding anything contained in this Act, the scheme shall be processed and evaluated in such manner and the recommendation shall be reported in such a manner as may be prescribed by rules.

Submission of
scheme.

approval or
jection.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clause 40.)*

(3) The State Government, after receiving the scheme along with the recommendation of the Council and after obtaining such other particulars as may be considered necessary by it from the person or Institution concerned, and having regard to the factors referred to in sub-section (7), if it is satisfied after evaluation and consideration, shall pass an order within the prescribed period from the date of receipt of scheme, either—

- (a) approving (with or without such conditions, if any, as it may consider necessary) the scheme in which case such approval shall be deemed to be a recognition under section 35; or
- (b) disapproving or rejecting the scheme for reasons to be recorded in writing:

Provided that no scheme shall be refused to be recommended by the Council to the State Government without 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 disapproved by the State Government, to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme has been submitted for the first time under sub-section (1) of section 38.

(4) Notwithstanding anything contained in this Act, the recommendation of the Council shall be processed and evaluated by the State Government in such manner as may be prescribed by rules.

(5) Notwithstanding anything contained in this Act, the scheme shall be approved and permission shall be granted in such manner for such period subject to such terms and conditions and be communicated to the applicant in such manner as may be prescribed by rules.

(6) Notwithstanding anything contained in this Act, the scheme shall be disapproved or rejected in such manner subject to such grounds of rejection and be communicated to the applicant in such manner as may be prescribed.

(7) Where within a period of one year from the date of submission of the scheme to the State Government under sub-section (1) of section 38, no order has been communicated to the person or Institution submitting the scheme, such scheme shall be deemed to have been approved by the State Government in the form, in which it had been submitted, and accordingly, the permission of the State Government required under section 35 shall also be deemed to have been granted.

(8) In computing the time limit specified in sub-section (3), the time taken by the person or Institution concerned submitting the Scheme in furnishing any particulars called for by the Council or by the State Government shall be excluded.

40. (1) The Council, while evaluating the scheme under sub-section (1) of section 39 for its recommendation and the State Government, while taking a final decision on the scheme along with recommendation of the Council under sub-section (3) of section 39, shall have due regard to consider the following factors, namely:—

- (a) whether the proposed Institution or the existing Institution seeking to open a new or higher professional course of study or training, would be in a position to offer the minimum standards of education as mentioned in section 32;

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clause 41.)*

- (b) whether person seeking to establish an Institution or the existing Institution seeking to open a new or higher professional course of study or training or to increase its training or to increase its admission capacity has adequate financial resources;
- (c) whether the necessary facilities in respect of staff, equipment, infrastructure, accommodation, training and other facilities to ensure proper functioning of the Institution or conducting the new professional course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time limit specified in the scheme;
- (d) whether necessary arrangement has been made or programme has been drawn to impart training to students likely to attend such Institution or course of study or training by persons having the recognized physiotherapy or occupational therapy qualifications, as the case may be;
- (e) whether necessary arrangement has been made or programme has been drawn to meet the requirement of manpower in the field of practice of Allied-Medical or Para-Medical profession, as the case may be; and
- (f) any other factors as may be prescribed.

(2) The State Government shall have the power to relax the terms and conditions mentioned under this chapter.

41. (1) Where the Council, on its own motion or on any representation received or otherwise, is satisfied that any person or Institution has contravened all or any of the provisions of this Act or the rules or regulations made or orders issued thereunder, it may recommend to the State Government, and the State Government, subject to such conditions as it thinks fit and proper to impose, may:—

- (a) in the case of the first contravention, prohibit the person or the Institution concerned from presenting such students in relation to which the contravention has been made to any University or Institution for taking any examination which would enable such students to qualify themselves for the award of any recognized qualification; and
- (b) in the case of any second or subsequent contravention, take such action under this Act as it may consider necessary including action to prohibit the person or the Institution concerned from making any further admission of students:

Provided that no such order shall be passed by the State Government unless the Institution and the students concerned have been given a reasonable opportunity of being heard.

(2) A copy of any order passed by the Council under sub-section (1) shall be communicated to the person or the Institution and the student concerned and a copy thereof shall simultaneously be forwarded to the University or Institution concerned.

(3) Notwithstanding anything contained in any other law for the time being in force, an order passed by the State Government under sub-section (1) and communicated to the University or Institution under sub-section (2) shall be final and binding on the said University or Institution.

(4) Any qualification granted to any student of such Institution on the basis of any examination or other test held after the date of communication of the order to the University or Institution under sub-section (2) shall cease to be a recognized qualification in relation to such students for the purposes of this Act.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clauses 42-44.)*

(5) Where an order has been passed under sub-section (1) in relation to any Institution, the State Government may, on its own motion or on any representation received by it, if it is of the opinion that it is necessary or expedient so to do in the interest of the students of such Institution, take such steps considered to be necessary to safeguard the interest of students studying in such Institutions.

Recognition of
qualification.

42. (1) The degree or diploma granted by State Medical Faculty of West Bengal or any recognised University or recognised Board in Schedule III shall be recognised qualification for the purposes of this Act.

(2) The State Government may, by order to be published in the *Official Gazette*, amend the Schedule appended to this Act.

(3) The other qualifications granted by any recognized University, recognized Board and State Medical Faculty are to be included in the Schedule by the State Government under sub-section (2) which shall be recognised qualifications for the purposes of this Act.

(4) The qualifications granted by any recognized University, recognized Board or other recognized Institution or any recognized Authority outside India are to be included in the Schedules of qualifications by the State Government under sub-section (2) which shall be recognised medical qualifications for the purposes of this Act.

(5) Different types of qualifications shall be included in the Schedule as follows:—

(a) Undergraduate Diploma Course in part A of Schedule III;

(b) degree Course in part B of Schedule III.

Recognition of
qualifications in
case of
reciprocity.

43. (1) The Council may enter into negotiations with any authority in any territory of India, to which this Act does not extend, or with any foreign country, which by the law of such territory or country is entrusted with the maintenance of a register of Allied-Medical or Para-Medical Professionals, for settlement of a scheme of reciprocity for the recognition of qualifications not included in the Schedule III Part A and B.

(2) In pursuance of any such scheme under sub-section (1), the Council may declare that a qualification granted by any authority in any such territory or country, or such qualification only when granted after a specified date, shall be a recognized qualification for the purposes of this Act to be included in the Schedule:

Provided that no declaration shall be made under this sub-section in respect of any qualification unless by the law and practice of the territory of India or foreign country, in which the qualification is granted, the persons domiciled or originating in West Bengal and holding qualifications recognized under this Act are permitted to enter and practice the Allied-Medical or Para-Medical profession in that territory of India or foreign country:

Provided further that any reciprocal arrangement subsisting on the date of the commencement of this Act between the Council and any authority in the territory of India or foreign country for the recognition of qualifications shall, unless the Council decides otherwise, continue in force.

Provision of
recognition in
certain areas.

44. (1) Any University, recognized Board or other recognized Institution or recognized Authority in any territory of India, to which this Act does not extend, or in foreign country, which grants qualification not included in the Second or Third Schedule, may apply to the State Government of West Bengal to have such qualification recognized in such a manner as mentioned under section 35 or in any such other manner as may be prescribed.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clause 45.)*

(2) In pursuance of any such application under sub-section (1), the Council may declare that a qualification granted by any authority in any such territory or country, or such qualification only when granted after a specified date, shall be a recognized qualification for the purposes of this Act to be included in the Second or Third Schedule as the case may be.

(3) The Council, on representation or otherwise, may declare that any Degree or Diploma awarded before or after a specified date by any University, Board or Institution established under any law for the time being in force to be the recognized qualification for the purposes of this Act to be included in Part A and Part B of Schedule III.

45. (1) Upon report by the Assessors, Visitors, or the Academic Sub-Committee appointed by the Council on their behalf, if it appears to the Council—

- (i) that the professional courses of study and training and the examinations to be gone through in order to obtain a recognized qualification from any Authority or Institution, or the conditions for admission to such professional courses or the standards of proficiency required from the candidates at such examinations do not conform to the regulations made under this Act or fall short of the standards prescribed by the Council, or
- (ii) that an Institution recognized by the State Government does not satisfy the requirements of the Council regarding the standard of education or the staff, equipment, accommodation, training and other facilities for instruction and training provided in such Institution, or
- (iii) that there exist any of the grounds, which would have entitled to reject the application for recognition,

the Council, with the permission of the State Government, shall send a show cause notice to the Institution or University specifying the period, within which the reply shall be submitted.

(2) On receipt of the reply or where no reply is received within the period specified in the show cause notice, then on the expiry of that period the Council shall take decision for either withdrawal of the recognition of the Institution as a whole or withdrawal of the recognition of Specific professional course(s) of study and examination and qualification thereof in the matter within a period of three months from the issuance of show cause notice and recommend to the State Government for necessary action.

(3) After considering the matter and recommendation of the Council, the State Government may, with or without making any inquiry or inspection, if any, as it thinks fit, direct that an entry shall be made in the schedule against the said qualification declaring that—

- (a) it shall be a recognized qualification only when granted before a specified date, or
- (b) the said qualification, if granted before a specified date or granted to students of a specified Institution, shall be recognized qualification only when granted before a specified date or as the case may be, or
- (c) the said qualification shall be recognized qualification in relation to a specified Institution affiliated to any authority only when granted after a specified date:

Provided that nothing contained in this section shall apply to State Medical Faculty of West Bengal for its existing Courses.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clauses 46-48.)*

Right to confer
degree, diploma,
etc.

46. (1) The right of conferring, granting or issuing degrees, diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practice as an Allied-Medical or Para-Medical Professional, shall be exercisable only by the authorities specified in the schedule mentioned under sub-section (1) to (3) of section 42 and sub-section (3) of section 44.

(2) All declarations under section 43, section 44 or section 45 shall be made by resolution passed at a meeting of the Council called for the purpose of such declaration.

(3) Upon receiving a copy of such resolution, the State Government may, from time to time, by notification in the *Official Gazette*, amend the respective Schedule of qualifications so as to bring it into conformity with any declaration under section 43, section 44 or section 45 and any such notification may also direct that an entry shall be made in the last column of the respective Schedule of Qualifications against such qualification declaring that it shall be a recognized qualification only when granted before or after a specified date.

(4) Any qualification other than the qualification mentioned in Schedule of qualifications as amended from time to time shall not be a recognized qualification for the purpose of this Act.

Furnishing of
information.

47 Every University or Institution in India, which grants a recognized Para-Medical qualification, shall furnish such information as the Council may, from time to time, require as to the professional courses of study and examinations to be undergone in order to obtain as such the aegis at which such courses of study and examinations are required to be undergone and such qualifications conferred and generally the requisites for obtaining such qualification.

Appointment of
assessors.

48. (1) The Executive Committee shall, subject to regulations mentioned under section 35, appoint such number of Assessors as it may deem requisite to inspect any Institution, where education is given, or to attend any examination held by any University or Medical Institution for the propose of recommending to the Council recognition of qualifications granted by the University or Institution.

(2) The Assessors, Registrar or any person authorized by the Council may enter into the premises of any Institution at any reasonable time to make any inquiry or inspection authorized by the provision of this Act or any rule or regulation or order made thereunder.

(3) The manager and other employees of the Institution shall be bound to offer to the officers and persons under sub-section (2) such access at all reasonable times to the premises of such Institutions and to make available all documents and materials as may, in the opinion of such officers, be necessary to enable them to discharge their duties under this section.

(4) The Assessors shall not interfere with the conduct of any training or examination, but shall report to the Academic Sub-Committee on the adequacy of the standards of education including staff, equipment, accommodation, training facilities prescribed for giving education or on the sufficiency of every examination, which they attend.

(5) The Assessors mentioned in sub-section (1) shall also be empowered to conduct periodical visit of the recognized Institutions to ensure that they are maintaining the required standards.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter IV.—Allied-Medical and Para-Medical
Education.—Clause 49.—Chapter V.—The Registration and Conduct of Allied-
Medical and Para-Medical Professionals.—Clause 50.)*

(6) The Council, after consulting the Academic Sub-Committee, shall forward a copy of any such report to the University or Institution, as the case may be, and shall also forward a copy together with any comments thereon, which the said Institution may have made to the State Government:

Provided that nothing contained in this section shall apply to State Medical Faculty of West Bengal for its existing Courses.

49. (1) The Executive Committee may, subject to regulations mentioned under this Act, appoint either on a regular or on adhoc basis, such number of Visiting Experts with impeccable credentials as it deems necessary to visit any Institution where education or training is given, or to attend any examination held for the purpose of granting any recognized qualification or recognized higher qualification.

(2) Any person, whether he is a member of the Council or not, may be appointed as a Visiting Expert under this section but a person, who is appointed as an Assessor under section 48 for any assessment, shall not be appointed as a Visiting Expert for the same assessment.

(3) The Visiting Experts mentioned in sub-section (1) shall not interfere with the course of any examination or the day-to-day function of the Institution but its hall report to the Academic Sub-Committee on the adequacy of standards of education including staff, equipment, accommodation, training and other facilities for giving such education or the sufficiency of every examination, which it attends, and on any of the matters, in regard to which the Council may require them to report.

(4) The report of a Visiting Expert shall be treated as confidential unless in any particular case the President of the Council otherwise directs:

Provided that if the State Government requires a copy of the report of a Visiting Expert, the Council shall be bound to furnish the same:

Provided that nothing contained in sub-section(1)to(4)of this Section shall apply to State Medical Faculty of West Bengal for its existing Courses.

CHAPTER V

The Registration and Conduct of Allied-Medical and Para-Medical Professionals

50. (1) With effect from the date as may be notified by the State Government, the Council shall cause to be prepared and maintained a register of Allied and Para-Medical Professionals in accordance with the provisions of this Act and in such manner as may be prescribed by the regulations:

Provided that a set of separate registers, one for each of the Allied Medical or Para-Medical discipline, each having a distinct identity of its own, may be prepared and maintained.

(2) The register shall be in such form, containing such particulars, which include, but not limited to, the full name, address, date of birth and the qualifications of the registered Allied-Medical or Para-Medical Professionals, the date on which each qualification was obtained, and such other particulars as may be prescribed by regulations mentioned under sub-section (1).

(3) For the purpose of preparation of the first register and its subsequent maintenance, the Council shall, by notification in the *Official Gazette*, constitute a Registration and Disciplinary Sub-Committee as per provision of section 25.

Appointment of
visiting experts.

Register of Allied
and Para-Medical
Practitioners.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter V.—The Registration and Conduct of Allied-Medical and
Para-Medical Professionals.—Clause 51.)*

(4) The first register so prepared by the Council shall be published in such manner as the State Government may direct, and any person aggrieved by a decision of the Council expressed or implied in the register so published, may, within sixty days from the date of such publication, appeal to the Appellate authority mentioned under section 62.

(5) The Registrar shall amend the register in accordance with the decisions of that Appellate authority in such manner as mentioned under section 53 and section 55.

(6) All Register shall be deemed to be a public document, within the meaning of the Indian Evidence Act, 1872. 1 of 1872.

Eligibility criteria
for registration.

51. (1) Subject to the other provisions of this Act, any person, possessing qualification mentioned under section 42, section 43 or section 44, shall be eligible to have his name entered in part A of the register of the Council.

(2) Any person, other than the person mentioned under sub-section (1), who is employed as an Allied-Medical or Para-Medical Professional in any healthcare establishment or Institution run by the State Government of West Bengal or Government of India on the date of commencement of this Act, shall, with the approval of the Council and subject to such terms and conditions as may be prescribed by regulation, be eligible to have his name entered in part B of the register of the Council.

(3) Any person other than the person mentioned under sub-section (1), who, within the period of one year from the date of commencement of this Act or within such other longer period as may be notified by the State Government, proves that he had been in regular practice as an Allied or Para-Medical Practitioner for a period of not less than two years preceding the date of coming into force of this Act, shall, with the approval of the Council and subject to such terms and conditions as may be prescribed by regulation, be eligible to have his name entered in part C of the register of the Council.

(4) A person other than the person mentioned under sub-section (1), being citizen of India holding a qualification, which entitles him to be registered with any Allied-Medical or Para-Medical Council in any foreign country, shall, with the approval of the Council and subject to such terms and conditions as may be prescribed by regulation, be eligible to have his name entered in part D of the register of the Council.

(5) No such registration under sub-section (3) to (4) shall be permitted unless the Council satisfies itself that such person possesses the requisite knowledge and skill to practice the profession by conducting an eligibility test or such other test or examination in such mode as may be prescribed by regulation.

(6) Any person other than the person mentioned under sub-section (1), who has obtained qualification from an Institution but has not undergone or completed any such practical training or internship after obtaining that qualification as prescribed under section 32, shall, with the approval of the Council and subject to such terms and conditions as may be prescribed, be eligible to have his name entered in part F of the register only after the person concerned has undergone and completed such practical training in any approved Institution or healthcare establishment under this Act:

Provided that the Council shall satisfy itself that the standard of education imparted by such Institution is equivalent to the standards prescribed under section 32 in every aspect except the part of practical training.

(7) Where there is any dispute as to whether a person is so entitled to be registered, the matter shall be referred to the Registration and Disciplinary Sub-Committee, which shall consider the reference and make recommendations to the Executive Committee, whose decision shall be final.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter V,—The Registration and Conduct of Allied-Medical and
Para-Medical Professionals,—Clauses 52, 53.)

Qualification
criteria for
registration.

52. No person shall be allowed to enter or retain his name in the register and to obtain a certificate thereof unless he has provided the Council along with his application under section 53 with the proof of—

- (a) successful completion of basic professional education programme at an Institution approved by the Council or an equivalent professional course of study acceptable to the Council;
- (b) successful completion of such practical training as may be prescribed.

Entry in register.

53. (1) Every person eligible for registration under sub-section (1) and sub-section (2) of section 51 shall apply for registration within three months from the date of commencement of this Act or within such extended time as may be fixed by the State Government, by notification in the *Official Gazette*.

(2) Every person eligible for registration under sub-section (3) and (4) of section 51 shall apply for registration within thirty days from the date on which he has become eligible for registration as provided for in the said sub-section.

(3) An application for registration under this Act shall be made to the Registrar by any person in such manner, in such form and shall be accompanied by such documents and such fee as may be prescribed by regulation made under this Act.

(4) On receipt of an application, the Registrar may, with or without causing any enquiry or visit in such a manner as he thinks fit,—

- (a) if the application is defective and does not contain any necessary particulars, give a reasonable opportunity to the person for making a written representation and it shall be open to such person to rectify the defects, if any, specified by the Registrar;
- (b) consider the application, having regard to the fulfilment of eligibility criteria mentioned in section 51, and forward its recommendation to the Council.

(5) The Council may, after receiving the application along with the recommendation of the Registrar, if it is satisfied, shall pass an order within the period prescribed by regulations from the date of receipt of application, either—

- (a) granting the application and accepting to enter the name of any person in the register; or
- (b) rejecting the application and refusing to enter the name of any person in the register for reasons to be recorded in writing.

(6) Where the Council passes an order rejecting an application under this section, a copy of the order shall be communicated to the person concerned immediately:

Provided that no application shall be rejected by the Council except after giving the person or Institution concerned a reasonable opportunity of being heard.

(7) Where the Council passes an order granting an application under this section, a copy of the order shall be communicated to the person concerned immediately and upon receiving such communication, the person concerned shall make and subscribe before the Registrar or some other person appointed by him in that behalf, an oath or affirmation according to the form set out for the purpose in the regulation made under this Act.

(8) On completion of such oath or affirmation, the Registrar shall enter the name in the register and shall issue a certificate of registration in such form containing such particulars as may be prescribed by regulation which shall be communicated to the person concerned immediately.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter V.—The Registration and Conduct of Allied-Medical and
Para-Medical Professionals.—Clauses 54-56.)*

(9) The Council may, upon reference from the Registrar or otherwise, pass an order, refusing or prohibiting the entry of the name of any such person in the register where it is satisfied, for the same reason, for which the name may be removed by the Council under section 55, after giving the person concerned a reasonable opportunity of being heard, and after such further inquiry, if any, as it may deem fit to make.

Validity and
renewal of
registration.

54. Every registration made under section 53, and conditions regulating the validity and renewal of Registration should be governed by the regulations of the Council.

Alteration in
register.

55. (1) The Council may, upon reference from the Registrar or otherwise, pass an order removing the name of any such person from the register maintained under sub-section (1) of section 50, where it is satisfied, after giving that person a reasonable opportunity of being heard, and after such further inquiry, if any, as it may deem fit to make,—

- (a) that the name of such person has been entered in the register by error or on account of misrepresentation or suppression of a material fact;
- (b) that such person has been convicted of any offence or has been guilty of misconduct in any professional respect, or has violated the standards of professional conduct and etiquette or the code of ethics determined under sub-section (1) of section 61 which, in the opinion of the said Council, renders him unfit to be kept in the register; or
- (c) that such person 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 registration or continuance of his name in the State Register undesirable.

(2) An order under sub-section (1) may specify that any person, whose name is ordered to be removed from the register, shall be ineligible for registration under this Act either permanently or for such period, as may be specified.

(3) The Council may, after giving the person concerned a reasonable opportunity of being heard and conducting an enquiry into his objections and scrutiny of valid documents, if any, order that any entry in the State register, which, in the opinion of the Council, has been incorrectly made or brought about, be cancelled or amended.

(4) Such order under sub-section (1) or sub-section (3) shall be communicated to the person concerned forthwith and the person, whose name has been removed or amended from the register under this section, shall surrender his Certificate of Registration to the Registrar within a stipulated period of seven days of receiving such order.

(5) The Council may, on receipt of reliable information regarding the death of a person, whose name is entered in the register, and on making such enquiry as it may think fit, pass an order removing his name from the register.

Entry of
additional
qualification.

56. If any person, whose name is entered in the register, obtains any title, diploma, degree or other qualification for proficiency in sanitary science, public health or medicine, which is a recognized Medical qualification, he shall, on application made in this behalf in the prescribed manner by regulations, be entitled to have any entry stating such other title, diploma or other qualification made against his name in the register either in substitution for or in addition to any entry previously made.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter V.—The Registration and Conduct of Allied-Medical and
Para-Medical Professionals.—Clauses 57-61.)

57. The Council may re-enter or restore the name of a person, whose name has not been removed permanently from the register under sub-section (2) of section 55, by an order in such manner and on payment of such fee and after satisfying such conditions and requirements as may be prescribed by regulations.

58. Where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in the prescribed form, by regulations.

59. (1) As soon as may be after the preparation of first register, the Registrar shall cause to be printed and published in the public domain copies of the register as it stood on the said date.

(2) The Registrar shall thereafter cause to be printed and published in the public domain as soon as may be after the 1st day of April in each year copies of the annual supplement to the register referred to in sub-section (1), showing all additions to and other amendments in the said register.

(3) The register shall be brought up-to-date three months before ordinary elections to the Council are held and copies of this register shall be printed and published in the public domain.

(4) The certified copies referred to in sub-section (1) or sub-section (2) or sub-section (3) shall be made available to persons applying there for on payment of such charges as may be prescribed by regulations, and those shall be evidence that on the date referred to in the register or annual supplement, as the case may be, the persons, whose names are entered therein, were registered Allied-Medical or Para-Medical professionals.

60. (1) It shall be the duty of the Registrar, as the custodian of the State register, 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 and to publish it in such manner as may be prescribed by regulations to be made in this behalf by the Council, 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 hereunder.

(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 Para-Medical practitioners.

(3) The Registrar may remove from the State register the name of the Registered Para-Medical practitioner, who dies or whose name is directed to be removed from the State register or who ceases to be a Para-Medical practitioner.

(4) On receipt of intimation from the practitioner, if the Council is 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.

61. (1) The Council shall prescribe by regulations to be made in this behalf by the Council, the standards of professional conduct and etiquette as well as a code of ethics for the practitioners under this Act.

(2) The regulations made by the Council under sub-section (1) may also specify as to—

- (i) which violations thereof shall be constituted as a professional misconduct;
- (ii) what shall be the modalities and manner of inquiry, investigation, hearing; and

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter V.—The Registration and Conduct of Allied-Medical and
Para-Medical Professionals.—Clause 61.)*

- (iii) which disciplinary action including corrective or punitive measures against such misconducts may be taken;

and such provisions shall have effect notwithstanding anything contained in any other law for the time being in force.

(3) Where on receipt of a complaint made to it by any complainant, the Council is *prima facie* of opinion that any Allied or Para-Medical Practitioner has been guilty of any professional or other misconduct, the said Council shall refer the case to the Registration and Disciplinary sub-Committee and the Disciplinary sub-Committee shall thereupon hold such inquiry, investigation, or hearing in such manner as may be prescribed by regulations mentioned in sub-section(2) and shall report the result of its inquiry to the Council:

Provided that no inquiry shall be conducted or no recommendation shall be made without giving the defendant an opportunity of being heard.

Explanation I.— For the purpose of this section, defendant means the party or the Allied or Para-Medical Practitioner against whom the complaint has been initiated.

Explanation II.— For the purpose of this section, complainant means the party who has initiated the complain and shall include any official body corporate or association; or the Registrar; or any other person.

(4) The sub-Committee may recommend to the Council to—

- (a) counsel the practitioner;
- (b) caution the practitioner;
- (c) temporary suspension of the Registration given by the Council;
- (d) permanent suspension of the Registration given by the Council.

(5) On receipt of such report with or without causing any further inquiry, investigation, or hearing as it thinks fit,—

- (i) if the Council finds that the defendant is not guilty of any professional or other misconduct, it shall record its finding accordingly and direct that the proceedings shall be filed, or the complaint shall be dismissed, as the case may be; or
- (ii) if the Council finds that defendant is guilty of any misconduct in any professional respect or has violated the standards of professional conduct and etiquette or the Code of ethics prescribed under this Act, it shall proceed to take action against such defendant in accordance with the provisions of this Act, rules and regulations made thereunder and in particular the regulation mentioned in sub-section (2):

Provided that no such action shall be taken against any defendant without giving him an opportunity of being heard:

Provided further that such action shall not include any attempt to resolve the matter informally with or without the consent of any party.

Explanation.— For the purposes of this section, "Allied or Para-Medical Practitioner" includes the person, who was an Allied or Para-Medical Practitioner on the date of the alleged misconduct, although he has ceased to be so at the time of inquiry.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter V.—The Registration and Conduct of Allied-Medical and
Para-Medical Professionals.—Clauses 62, 63.)

(6) Notwithstanding anything contained in section 86, only the Council and its 'Registration and Disciplinary' sub-Committee appointed by it shall have the power to take cognizance of and inquire into any professional misconduct and take such appropriate disciplinary action against such misconducts as mentioned in this section.

Appeal against
the decision
regarding
registration or
misconduct.

62. (1) Any person, aggrieved by—

- (i) the decision of the Council expressed or implied in the first register under sub-section (4) of section 50; or
- (ii) the failure of the Council in communicating the decision of acceptance or rejection of scheme for recognition to Institution within the time specified in this Act; or
- (iii) an order of the Council accepting or rejecting the entry of name under sub-section (5) of section 53; or
- (iv) an order of the Council prohibiting the entry of name under sub-section (9) of section 53; or
- (v) an order of the Council removing the entry of name under sub-section (1) of section 55;
- (vi) the decision of Council regarding misconduct made under sub-section (5) of section 61;

may prefer an appeal to such Appellate authority as may be notified by the State Government.

(2) Every appeal under sub-section (1) shall be made in such manner, in such form, within such period and be accompanied by such fee as may be prescribed by regulations formulated by the said Council:

Provided that the Appellate authority may entertain an appeal preferred after the expiry of the prescribed period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(3) The Appellate authority shall dispose of the appeal preferred under sub-section (1) within the prescribed period from the receipt of the appeal in such manner and following such procedure as may be prescribed, by regulations.

(4) The decision of the Appellate authority under sub-section (3) shall be final.

Rights and
privileges of the
registered
practitioner.

63. No person unless his name is entered in the register of the Council—

- (a) shall be entitled to hold office as an Allied-Medical or Para-Medical Professional of any such office (by whatever designation called) in the State Government or in any Institution maintained by a local or other authority;
- (b) shall be entitled to practice the concerned profession according to his qualifications and recover in respect of such practice any expenses or fees, to which he may be entitled subject to the conditions and restrictions laid down in this Act;
- (c) shall be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by an Allied-Medical or Para-Medical Professional, as the case may be;
- (d) shall be entitled to give any evidence at any inquest or in any Court as an expert under the Indian Evidence Act, 1872 on any matter relating to the physiotherapy or occupational therapy, as the case may be;

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter V.—The Registration and Conduct of Allied-Medical and
Para-Medical Professionals.—Clauses 64, 65.)*

(e) shall be entitled to elect or get elected in the election of the Council.

(2) Any person, whose name has been entered in the register, shall be entitled to be called the physiotherapist or occupational therapist, or the Medical technologist or technician (laboratory), or the Medical technologist or technician (Radiology), or any such like words or expressions commensurate with his qualification implying a person recognized by law as a physiotherapist or occupational therapist, or the Medical technologist or technician (laboratory), or the Medical technologist or technician (Radiology) in the State as the case may be.

Duties and
obligation of the
registered
professional.

64. (1) Every person, whose name is entered in the register of the Council, shall—

- (a) display the certificate of registration or renewal of registration in a conspicuous place in his dispensary, clinic or place of practice, and if he has more than one such place in all such places,
- (b) notify any transfer of the place of his residence or practice to the Council, within thirty days of such transfer,
- (c) discharge any other duties and obligation as may be prescribed by regulation made under this Act.

(2) Any registered person, who has failed to discharge his duties and obligation, shall be liable to forfeit his rights and privileges including right to participate in the election.

Regulation of
practice.

65. (1) The practice of Allied-Medical or Para-Medical profession shall be regulated by the following terms and conditions:—

- (a) no person shall practice the professions mentioned under this Act or attempt to act as, assume the title or designation of or otherwise purport to be or perform the professional aspect of, an Allied-Medical or Para-Medical Professional without possessing a valid certification of registration;
- (b) notwithstanding anything contained in clause (a), certain functions that are deemed by the Council to be non-professional aspects of Allied-Medical or Para-Medical science and technology may be performed by an aide or technician, as may be acceptable to the Council under the superintendence of an Allied-Medical or Para-Medical Professional and subject to such regulations as may be made regarding such assistants and their work;
- (c) nothing in this Act applies to or prevents the practice of any profession or occupation that includes functions similar or complimentary to Allied-Medical or Para-Medical science and technology by a qualified practitioner licensed or registered under any statute governing that profession or occupation if such person in no way purports to be qualified as an Allied-Medical or Para-Medical Professional;
- (d) the practice by such person as mentioned under sub-section (2) and sub-section (4) of section 51 shall be limited to the healthcare establishment or Institution to which he is attached;
- (e) the practice by any Allied-Medical or Para-Medical Professional shall always be carried out under the superintendence of a Registered Medical Practitioner unless permitted otherwise by the Council;
- (f) any other terms and conditions as may be prescribed by regulation made under this Act.

(2) The Council, with sanction from the State Government, shall have the power to relax any of the terms and conditions.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter VI.—Finance, Accounts and Audit.—Clauses 66, 67.)

CHAPTER VI

Finance, Accounts and Audit

Fund of the
council.

66. (1) The Council shall establish a fund to be called the fund of the Council and the custody of such Fund, the payment of money thereto, the withdrawal of money therefrom and all other ancillary matters shall be governed by such rules as may be prescribed by the State Government.

(2) The following shall form part of, or be paid into, the fund of the Council—

- (a) any contribution or grant by Central or State Government;
- (b) income from fees and fines, rent and all other income of the Council and profits derived from properties and deposits vested in the Council;
- (c) donations, endowment and other grants, if any received from any source whatsoever;
- (d) all other miscellaneous receipts of the Council and all remittances received in connection with the affairs of the Council.

(3) All money belonging to the fund shall be deposited in such banks or invested in such manner as may be prescribed by the rules made under this Act.

(4) All fund of the Council shall be applicable to the following objects, namely:—

- (a) repayments of debts incurred by the Council for the purposes of proper implementation of the relevant provisions of this Act and the rules made thereunder;
- (b) the expenses of any suit or legal proceedings to which the Council is a party;
- (c) payment of salaries and allowances to the officers and servants of the Council;
- (d) payment of allowances to the office bearers of the Council;
- (e) payment of any expenses incurred by the Council in carrying out the provisions of this Act and the rules, regulations and orders made thereunder;
- (f) any other expenses incurred for the promotion and development of Para-Medical education, research and training, declared by the Council to be in the general interest of Para-Medical and Education Council profession.

Budget.

67. (1) The State Government may, after due appropriation made by the Assembly by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the performance of functions of the Council under this Act.

(2) The Registrar or Treasurer 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 by regulation made under this Act.

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

(4) If the State Government is of the opinion that 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 modifications as may be suggested by the State Government.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter VI.—Finance, Accounts and Audit.—Clauses 68, 69.—Chapter VII.—
Duties, Obligations, Powers and Functions of Council.—Clause 70.)

(5) 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.

(6) 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 (3), (4) and (5) shall apply to such supplementary budget.

Annual
administrative
report.

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

Accounts and
audit.

69. (1) The Council shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed by regulation.

(2) The accounts of the Council shall be prepared before such date and at such intervals and in such manner as may be prescribed.

(3) The Council shall, as soon as may be, after closing its annual accounts, prepare a statement of accounts in such form, and shall get it audited by such auditor as may be prescribed by regulation and the Council shall bear the cost of such audit.

(4) As soon as the accounts of the Council are audited, the Council shall send a copy thereof, together with a copy of the report, to the State Government in such manner as may be prescribed by regulation.

(5) Subject to the provisions of the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 and the rules made thereunder, the Governor of West Bengal may entrust the audit of the accounts of the Board to the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General of India.

56 of 1971.

(6) The Comptroller and Auditor-General of India or any other person appointed by him in this behalf shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts.

(7) 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 and the Audit Certificate thereon shall be forwarded to the State Government and the State Government shall cause the same to be laid, as soon as may be after it is received, before the West Bengal Legislative Assembly.

CHAPTER VII

Duties, Obligations, Powers and Functions of Council

The objects of the
council.

70. (1) The objects of establishment of the Council are to provide for the coordinated development in the education of Allied-Medical and Para-Medical professionals, to provide for regulation and maintenance of standards of such education, practice, to provide for maintenance of Register of Allied-Medical and Para-Medical Professionals and for matters connected therewith or incidental thereto.

(2) The State Government may prescribe by rules, such duties and obligations to be discharged and such powers to be exercised and such functions to be performed by the Council as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Council.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter VII.—Duties, Obligations, Powers and
Functions of Council.—Clauses 71, 72.)*

Duties and
obligations of
council.

71. (1) Subject to the provisions of this Act and the rules made thereunder, the Council shall discharge such duties and obligations as may be necessary incidental or conducive to the attainment of all or any of the objects of the Council.

(2) In particular and without prejudice to the generality of the provisions mentioned elsewhere in this Act, the duties of the Council shall be—

- (a) to uphold the highest technical, professional and ethical standards both in its working and in the Institutions of Para-Medical education, training and practice;
- (b) to work towards constant improvement and updating of standards by encouraging Institutions to get it accredited by national Institutions like the National Accreditations Board of Laboratories under the Department of Science and Technology of the Government of India;
- (c) to furnish such reports, copies of its minutes, abstracts of its accounts and other information to the State Government as the State Government may require;
- (d) to discharge such other duties as may be prescribed.

Powers and
functions of
council.

72. (1) Subject to the provisions of this Act and the rules made thereunder, the Council shall exercise such powers and perform such functions as may be necessary, incidental or conducive to the attainment of all or any of the objects of the said Council.

(2) In particular and without prejudice to the generality of the provisions mentioned elsewhere in this Act, the powers and the functions of the Council shall be—

- (a) to conduct the election of members under sub section (1) of section 5;
- (b) to permit any member to absent himself from three consecutive meetings of the Council;
- (c) to lay down norms and standards for courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality assessment and examinations related to education, training and research;
- (d) to recommend for giving recognition to any Institute to the State Government;
- (e) to recommend for withdrawal of recognition granted to any Institution under this Act;
- (f) to lay down criteria for admission of students to Institutions and Universities imparting Para-Medical education;
- (g) to inspect or cause to be inspected any Institution;
- (h) to regulate the practice of the profession by persons possessing recognised physiotherapy or occupational therapy qualification;
- (i) to prescribe, by regulations, a code of ethics for regulating the professional conduct of registered Para-Medical practitioners;
- (j) to recognize qualification for the purpose of this Act other than those included in Schedule III;
- (k) to maintain the registers under this Act;
- (l) to make entry, removal or re-entry of names in the register;
- (m) to promote innovations, research and development in establishment of new Para-Medical subjects;

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter VII.—Duties, Obligations, Powers and Functions of
Council.—Clauses 73, 74.—Chapter VIII.—Contravention and
Penalty.—Clause 75.)*

- (n) to assist the State Government in regard to continuing education of Allied-Medical or Para-Medical Professionals;
- (o) to maintain the fund;
- (p) to exercise the disciplinary powers conferred by this Act;
- (q) to frame regulations; and
- (r) to perform such other functions as may be prescribed by regulation.

Power to take
evidence on oath
etc.

73. (1) For the purposes of any inquiry under this section, the Council or its Committee or Sub-Committee or its Registrar or any officer exercising powers under this Act shall, for the purposes of such functioning, have the same powers as are vested in a Civil Court under Code of Civil Procedure, 1908 in respect of the following matters, namely:—

5 of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses; and
- (e) such other matters as may be prescribed.

(2) All inquiries under this section shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code, 1860.

45 of 1860.

Power to enter,
search and
prosecution for
offences.

74. A Police Officer not below the rank of a sub-divisional police officer having jurisdiction may, on the request of the Secretary or any person authorized by the Council in this behalf, enter and search at any time between sunrise and sunset any place in which he has reason to believe that an offence under this Act has been committed or is being committed and may, if he deems proper, arrest any person found in such place whom he believes to have committed an offence under this Act:

Provided that every person arrested shall be released on bail by the Sub-Divisional Police Officer if sufficient security is tendered for his appearance before the Court.

CHAPTER VIII

Contravention and Penalty

Penalty for
contravention of
section 35.

75. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, if any Institution is established or professional course is started or admission capacity is increased without prior permission of the State Government as required under section 35 of this Act, such action shall not be regularized by any authority whatsoever including the State Government.

(2) Whoever contravenes the provisions of sub-section (1) shall not be eligible for any permission under section 35 of this Act and this disqualification shall remain in force for a period of five years from the date on which the violation of section 35 of this Act is established.

(3) In case any approved or recognized Institution starts a professional course and admits students without the prior permission of the State Government, the approved admission capacity of such Institution in all its approved professional courses shall be reduced by 25% and such Institution shall not be allowed to admit any student against the management quota or Non Resident Indian quota in the next academic year.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter VIII.—Contravention and Penalty.—Clauses 76-79.)

Penalty for
contravention of
sections 34, 35,
36, 37 or 41.

76. (1) Whoever contravenes the provisions of sections 34, 35, 36, 37 or 41 of this Act shall, without prejudice to the provisions of section 46 of this Act, be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine, which may extend to five lacs rupees, but shall not be less than fifty thousand rupees.

(2) Where a conviction is made under sub-section (1), the court may, in addition to awarding any punishment under that sub-section, by order in writing, require the Institution or any other person convicted to refund the money so collected in excess to the person, from whom it was collected, within such period as may be specified in the order.

Prohibition
against
unauthorized
conferment of
degree etc.

77. (1) Save as otherwise provided by this Act or the rules made thereunder, no person shall confer, grant or 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 an Allied-Medical or Para-Medical Professional.

(2) Any person, who contravenes the provision of sub-section (1), shall, on conviction, be punishable with fine, which may extend to five thousand rupees, and if the person so contravenes is an Association, every member of such Association, who knowingly or willfully authorizes or permits the contravention, shall, on conviction, be punishable with fine which may extend to three thousand rupees.

Prohibition on
practice except as
provided in this
Act.

78. (1) Save as otherwise provided in this Act, no person shall practice for personal gain as an Allied-Medical or Para-Medical Professional within the State.

(2) Any person, who contravenes the provisions of sub-section (1), 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 five thousand rupees; and
- (b) in the case of second or subsequent offence, with imprisonment for a term, which may extend to one year but shall not be less than three months and with fine, which may extend to five thousand rupees but shall not be less than two thousand rupees.

Penalty for
dishonest use of
certificates, etc.

79. Any person—

- (i) who 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
- (ii) who dishonestly attempts to practice under provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration or representation whether in writing or otherwise; or
- (iii) who willfully makes false representation in any matter relating to the register under the provisions of this Act; or
- (iv) who dishonestly makes use of his entry in the register or the certificate of registration granted under the provisions of this Act; or

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter VIII.—Contravention and Penalty.—Clauses 80-83.)

- (v) whose name has been removed from the register, willfully practises as an Allied or Para-Medical Practitioner, as the case may be,

shall, on conviction, be punishable with simple imprisonment, which may extend to two years, or with fine, which may extend to ten thousand rupees, or with both; and for any subsequent offence, with imprisonment, which may extend to three years, or with fine, which may extend to twenty thousand rupees, or with both.

Penalty for unauthorized use of title etc. by a person.

80. (1) No person shall add to his name any title, letters or abbreviations, which imply that he holds a degree or diploma, license or certificate as his qualification to practise as an Allied-Medical or Para-Medical Professional, unless,—

- (a) he has actually received such degree, diploma, license or certificate, and
- (b) such degree or diploma, license, or certificate is recognized by any law for the time being in force in the State, or has been conferred or granted or issued by an authority appointed under this Act.

(2) Whoever contravenes the provision in sub-section (1) shall, on conviction, be punishable in the case of first offence with fine, which may extend to one thousand rupees and in the case of a second or subsequent offence(s) with fine, which may extend to two thousand rupees.

Penalty for unauthorized use of title etc. by a professional.

81. (1) No Allied-Medical or Para-Medical Professional shall add to his name any title, letters or abbreviations, which imply that he holds a degree or diploma, license or certificate as his qualification to practise as Registered Medical Practitioner, or Dentist or Nurse or Pharmacist.

(2) Whoever contravenes the provision in sub-section (1) shall, without prejudice to the provisions of section 61 of this Act, be punishable in the case of first offence with fine, which may extend to one thousand rupees, and in the case of a second or subsequent offence(s) with fine, which may extend to two thousand rupees.

Penalty for failure to surrender certificate of registration.

82. (1) If any person, whose name has been removed or amended from the register under section 55, fails, without sufficient cause, to surrender his certificate of registration within the stipulated period, shall, on conviction, be punishable with fine, which may extend to one thousand rupees along with a further fine of five hundred rupees for delay of each day.

(2) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the Executive Committee.

Penalty for false complaint or statement.

83. (1) Notwithstanding anything contained in this Act, no person shall make,—

- (i) a complaint containing false allegations knowing or having reason to believe such allegations to be false;
- (ii) a complaint with malafide intention or ulterior motive;
- (iii) a complaint with intention to malign or tarnish image or reputation of the defendant;
- (iv) a complaint with an affidavit containing false statements;
- (v) a frivolous or vexatious complaint.

(2) No person shall make any statement knowing or having reason to believe that such statement to be false or knowingly or willfully suppress any material fact while submitting any application, or making any statement in any inquiry, inspection, hearing or proceedings under this Act.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

*(Chapter VIII.—Contravention and Penalty.—Clauses 84-86.—
Chapter IX.—Limitations of Actions.—Clause 87.)*

(3) Whoever contravenes the provisions of sub-section (1) and (2) shall, on conviction, be punishable with imprisonment for a term, which shall not be less than six months but may extend to three years, and with fine, which shall not be less than rupees fifty thousand but may extend to rupees one lakh.

Penalty for
violation of
provisions of this
Act.

84. Any person, who acts in contravention of the provisions of this Act or any rules or regulations made thereunder or any direction thereof, shall, if no penalty is provided elsewhere, be punishable with imprisonment for a term, which may extend to one year, or with fine, which may extend to one lakh rupees, or with both.

Offences by
companies.

85. (1) Where an offence under this Act has been committed by a company, every person, who, at the time when the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company itself shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, as the case may be, he shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

“Company” means any body corporate and includes a firm, an Institution, a society, a trust or other association of individuals.

Cognizance and
trial of offence.

86. (1) Notwithstanding anything contained in sub-section (1), no court shall take cognizance of an offence punishable under this Act except with the previous sanction, in writing, made by the Council or by an officer authorized by the Council or State Government in this behalf by a general or special order.

(2) The Council or the Secretary may, compound any offence punishable under this Act before cognizance by the Court, on payment of a sum, which may not be less than the minimum of the fine stipulated for such offence:

Provided that no such compounding shall be permitted in the case of a second or subsequent offence.

CHAPTER IX

Limitations of Actions

Protection of
action taken in
good faith.

87. No suit, prosecution, other legal proceeding or action for damages shall lie against the Council, or the President, Vice-President, members, Secretary or any officer or other employees of the Council for anything which is, in good faith, done or intended to be done in pursuance of the provisions of this Act.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter X.—Miscellaneous.—Clauses 88, 89.)

CHAPTER X

Miscellaneous

Directions by the
State
Government.

88. (1) The State Government may, from time to time, issue such directions to the Council as in the opinion of said State Government are conducive for the fulfillment of the objects of this Act and in the discharge of its functions, and the Council shall be bound to carry out any such directions.

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

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

Enquiry by State
Government.

89. Whenever it appears or is made to appear to the State Government that the Council is unable to perform, or has failed to perform any of the duties imposed on it by or under this Act, or has failed to exercise or has exceeded or abused any of the powers conferred on it by or under this Act, or has willfully or without sufficient cause failed to comply with any direction issued by the State Government under section 88, the State Government may take appropriate remedial measures as it may deem fit and proper which may include direction upon the Council to take appropriate remedial measures and the Council shall be bound to abide by such directions.

(2) If it is of the opinion that such failure, excessive exercise or abuse of power is of a serious nature, it may, by notification in the *Official Gazette*, either suspend the Council for such period as may be specified in the notification or dissolve the Council:

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

(3) Upon the publication of a notification under sub-section (2) suspending or dissolving the Council, as the case may be—

(a) all the members of the Council shall, notwithstanding that their term of office had not expired, as from the date of suspension or dissolution, as the case may be vacate their offices as such members;

(b) during the period of suspension or during the period from dissolution till reconstitution of the Council, as the case may be, the management of the affairs of the Council shall be taken over and all the powers and duties, which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Council, shall be exercised and performed by such person or body of persons as the State Government may authorize.

(4) On the expiration of the period of suspension specified in the notification, the State Government may extend the period of suspension for such further period as it may consider necessary.

(5) In the event of dissolution, the State Government shall reconstitute the Council in the manner provided and on the constitution of such Council the properties and funds referred to in sub-section (2) shall re-vest in that Council.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter X.—Miscellaneous.—Clause 90.)

Power to make
rules.

90. (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

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

- (a) the manner to conduct election under section 5;
- (b) other disqualifications under sub-section (2) of section 9;
- (c) the duties, powers and functions of the President of the Council under sub-section (3) of section 13;
- (d) the manner to conduct of business and the duties, powers and functions of the Executive Committee;
- (e) the procedure to obtain the permission or approval under sub-section (2) of section 35;
- (f) the manner of issuance of 'essentiality certificate' and the terms and conditions thereof under sub-section (2) of section 38;
- (g) the format and particulars of scheme, the manner of submitting scheme, the supporting documents and fees under sub-section (4) of section 38;
- (h) the eligibility and qualifying criteria for submitting the scheme under sub-section (7) of section 38;
- (i) the manner of processing and evaluating the scheme by the Council under sub-section (2) of section 39;
- (j) the period before passing order on scheme under sub-section (3) of section 39;
- (k) the manner of processing and evaluating the recommendation of Council by the State Government under sub-section (4) of section 39;
- (l) the terms and conditions for granting approval of the scheme, the manner of granting approval and the period thereof and the manner of communication of such approval under sub-section (5) of section 39;
- (m) the grounds for rejection of scheme and the manner of communication of such rejection under sub-section (6) of section 39;
- (n) the factors to be considered during evaluation of the scheme under sub-section (1) of section 40;
- (o) the manner of recognition of qualification under sub-section (1) of section 44;
- (p) the custody of Fund, the payment and withdrawal of money under sub-section (1) of section 66;
- (q) the form and the time for preparation of budget of the Council under sub-section (2) section 67;
- (r) the form and the manner of maintenance of books of account and manner of audit under section 69;
- (s) the Duties, obligation, power and function of the Council under sub-section (2) of section 70; and
- (t) any other matter which is required to be or may be prescribed.

(3) The power to make rules under this section shall be subject to condition of the rules being made after previous publication:

Provided that the State government may, if it is satisfied that the circumstances exist which render it practically not possible to comply with such condition of previous publication, dispense with such compliance.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter X.—Miscellaneous.—Clause 91.)

Power to make
regulations.

91. (1) The Council may, with the previous approval of the State Government, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

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

- (a) regulations for conduction of Election;
- (b) the manner and procedure to conduct meeting and other business of the Council under sub-section (1) of section 15;
- (c) the allowances entitled for the members of the Council under sub-section (1) of section 23;
- (d) the manner and purpose for associating persons with the Council under sub-section (1) of section 24;
- (e) the composition, mode of appointment, tenure, powers and functions, the summoning and holding of meetings and the procedures to conduct of business of Sub-Committees and other terms of office and conditions of members under sub-section (3) of section 25;
- (f) the method of appointment, tenure of service, discipline and other terms and conditions of service of Registrar, Deputy Registrar, other officers and staff appointed by the Council under sub-section (1) of section 29;
- (g) the remuneration of Registrar, Deputy Registrar, other officers and staff appointed by the Council under sub-section (2) of section 29;
- (h) the minimum standards of education required for granting recognized qualifications under sub-section (1) of section 32;
- (i) the manner and standard of admission criteria under sub-section (1) of section 34;
- (j) the terms and conditions for registration under section 50;
- (k) the manner of submission of application for registration, the documents and fees thereof under sub-section (3) of section 53;
- (l) the period before passing order under sub-section (5) of section 53;
- (m) the format of oath or affirmation under sub-section (7) and the format of certificate of registration under sub-section (8) of section 53;
- (n) the period of validity of certificate of registration and the manner of submission of application for renewal of registration and the terms and conditions for such renewal under section 54;
- (o) the manner of entry of addition qualification under section 56;
- (p) the manner of restoration of name in the register under section 57;
- (q) the prescribed fee for getting duplicate certificate of registration and form for duplicate certificate under section 58;
- (r) the prescribed charges for printed copies of register under sub-section (4) of section 59;
- (s) the standards of professional conduct and etiquette and code of ethics under sub-section (1); and the manner to hold inquiry by the Disciplinary Sub-Committee under sub-section (3) of section 61;

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

(Chapter X.—Miscellaneous.—Clauses 92, 93.—Schedule I.)

- (t) the manner of filing an appeal, the format, supporting documents and fees thereof under sub-section (2) and the time period and procedure to dispose of such appeal under sub-section (3) of section 62;
- (u) the duties and obligation of a registered professional under sub-section (1) of section 64;
- (v) the regulation of practice under sub-section (1) of section 65;
- (w) any other matter which is required to be or may be prescribed by regulations.

(3) The power to make regulations under this section shall be subject to condition of the regulations being made after previous publication:

Provided that the State Government may, if it is satisfied that there are circumstances, which render it practically impossible to comply with such condition of previous publication, dispense with such compliance.

Rules and
regulations to be
laid before
Assembly.

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

Power to remove
difficulties.

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

Schedule I

[See clause (b) of sub-section (1) of section 4]

Disciplines of Medical Science

- (1) Anatomy;
- (2) Anaesthesiology;
- (3) Biochemistry;
- (4) Cardiology;
- (5) Cardio-thoracic surgery;
- (6) Critical care Medicine;
- (7) Dietetics & Nutrition;
- (8) Endocrinology;
- (9) ENT;
- (10) General Surgery;
- (11) Microbiology;
- (12) Nephrology;

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

- (13) Neurology;
- (14) Nuclear medicine;
- (15) Pathology;
- (16) Physical Medicine & Rehabilitation;
- (17) Physiology;
- (18) Psychiatry;
- (19) Radiology;
- (20) Radiotherapy; and
- (21) Any other discipline as may be notified.

Schedule II

[See clause (c) of sub-section (1) of section 4]

Part A: Disciplines of Allied-Medical Science and Technology

- (1) Dietetics and Nutrition;
- (2) Occupational therapy;
- (3) Physiotherapy;
- (4) Speech Therapy and Audiometry; and
- (5) Any other discipline as may be notified.

Part B: Disciplines of Para-Medical Science and Technology

- (6) Medical Technology (Blood Bank);
- (7) Medical Technology (Cath Lab);
- (8) Medical Technology (Critical Care);
- (9) Medical Technology (Electrophysiology - ECG, EMG, EEG);
- (10) Medical Technology (Ecocardiography);
- (11) Medical Technology (Laboratory Medicine);
- (12) Medical Technology (Operation Theater);
- (13) Medical Technology (Optometry);
- (14) Medical Technology (Nuclear Medicine);
- (15) Medical Technology (Perfusion);
- (16) Medical Technology (Radiology/Radiography);
- (17) Medical Technology (Radiotherapy);
- (18) Medical Technology (Renal dialysis);
- (19) Medical Technology (Trauma and Emergency Care);
- (20) Medical Technology (Orthotics);
- (21) Medical Technology (Prosthetics); and
- (22) Any other discipline as may be notified.

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

PART A - SCHEDULE III

[See sub-section (1) and (4) of section 42]

Name of the Course conducted by the State Medical Faculty of West Bengal

Sl. No.	Name of the Course conducted by the Faculty	Short form	Duration of the Course	Duration of Post-Final Exam. Compulsory Training (since 2013)
1.	Diploma in Medical Laboratory Technology [Pathology, Microbiology and Biochemistry]	DMLT (Tech)	2 years	6 months
2.	Diploma in Physiotherapy	DPT [Tech]	2 years	6 months
3.	Diploma in Radiography [Diagnostic]	DRD [Tech]	2 years	6 months
4.	Diploma in Radiotherapeutic Technique	DRT [Tech]	2 years	6 months
5.	Diploma in Optometry with Ophthalmic Technique	D. OPT	2 years	6 months
6.	Diploma in Dialysis Technician	Dialysis Technician	2 years	6 months
7.	Diploma in Perfusion Technology	DPFT	2 years	6 months
8.	Diploma in Cath-Lab-Technician	DCLT	2 years	6 months
9.	Diploma in Critical Care Technology	DCCT	2 years	6 months
10.	Diploma in Neuro Electro Physiology	DNEP	2 years	6 months
11.	Diploma in Operation Theatre Technology	DOTT	2 years	6 months
12.	Diploma in Diabetes Care Technology	DDCT	2 years	6 months
13.	Diploma in Electrocardiographic Technique	ECG Technician	2 years	6 months
14.	Diploma in Multi Skilled Male Health Workers	MSMCH	2 years	6 months
15.	Diploma in Prosthetics and Orthotics	DPO	2 years	6 months
16.	Diploma in Audiology, Language and Speech Pathology	DALSP	2 years	3 months
17.	Diploma in Para Medical Ophthalmic Assistant	PMOA	2 years	3 months
18.	Bridge Course in Dialysis Technique	Dialysis Bridge	1 year	3 months
19.	Bridge Course in Electrocardiography	ECG Bridge	1 year	3 months
20.	POST-DRD Advanced Imaging	PODAI	1 year	3 months

*The West Bengal Allied-Medical and
Para-Medical Council Bill, 2015.*

PART B - SCHEDULE III

- (1) Bachelor in Audiology and Speech Language Pathology
- (2) Bachelor of Physiotherapy
- (3) Bachelor of Prosthetics and Orthotics
- (4) Bachelor of Occupational Therapy
- (5) B.Sc. in Critical Care Technology
- (6) B.Sc. in Operation Theatre Technology
- (7) B.Sc. in Perfusion Sciences
- (8) Degree Course in BPTMPT (Bachelor of Physiotherapy Master of Physiotherapy)*
- (9) Degree BMLT (Bachelor of Medical Laboratory Technology) *
- (10) M.Sc. in Critical Care Sciences
- (11) M.Sc. in Operation Theatre Sciences
- (12) M.Sc. in Perfusion Sciences .
- (*) Courses run in Private Institutions under permission from the West Bengal University of Health Sciences.

STATEMENT OF OBJECTS AND REASONS.

The West Bengal Allied-Medical and Para-Medical Council Bill, 2015 aims at for registration of Allied-Medical and Para-Medical professionals and for recognition of Institutions imparting training to such professionals in the State. It has been the long standing demand of Allied-Medical and Para-Medical professionals to constitute a Council for registration and regulation of conduct of such professionals, practicing modern scientific medicines in the State, specially relating to issues like Penal and Ethical aspects and for imparting quality training to such professionals.

- (2) The Bill has been prepared with the above objects in view.

KOLKATA,
The 16th September, 2015.

MAMATA BANERJEE,
Member-in-Charge.

FINANCIAL MEMORANDUM.

There is financial implication involved in giving effect to the provisions of the Bill. Adequate provisions shall be made in the budget to meet the expenditure involved on this account.

KOLKATA,
The 16th September, 2015.

MAMATA BANERJEE,
Member-in-Charge.

By order of the Governor,

YASMIN FATMA,
Secy.-in-Charge to the Govt. of West Bengal,
Law Department.