

REHABILITATION COUNCIL OF INDIA

NOTIFICATION

New Delhi, the 22nd April, 1998

File No. 5-62/93-RCI.—In exercise of the powers conferred by sub-section (3) of section 8 and section 29 of the Rehabilitation Council of India Act, 1992 (34 of 1992) the Rehabilitation Council of India with the previous sanction of the Central Government hereby makes the following regulations for determining the conditions of service of Member-Secretary, the officers and other employees of the Rehabilitation Council of India, Namely :—

1. Short title, application and commencement.—(1) These regulations may be called the Rehabilitation Council of India (Conditions of Service of the Member-Secretary, officers and other employees) Regulations, 1998.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall apply to the Member-Secretary, such officers and other employees who are persons in whole time employment of the Council.

2. Definitions.—In these regulations, unless the context otherwise requires,—

(a) “Act” means the Rehabilitation Council of India Act, 1992 (34 of 1992);

(b) “Chairperson” means the Chairperson of the Council appointed under sub-section (3) of section 3;

(c) “Council” means the Rehabilitation Council of India constituted under sub-section (1) of section 3;

(d) “employee” means any person employed on whole time employment by the Council in accordance with the provisions of clause (f) of sub-section (1) of section 10 and the provisions of the recruitment regulations and shall include a person whose services are placed on deputation with the Council or whose services are placed by the Council at the disposal of any other authority or organisation;

(e) “Member-Secretary” means the Member-Secretary appointed under sub-section (1) of section 8;

(f) “officer” means any person employed as such on whole time employment by the Council in accordance with the provisions of the recruitment regulations;

(g) “recruitment regulation” means the regulations framed for regulating the method of recruitment of the Member-Secretary, officers and other employees;

(h) “section” means section of the Act.

3. Appointment.—(1) Appointment of the Member-Secretary, officers and other employees shall be made by the Council in accordance with the provisions of the recruitment regulations framed for regulating the method of recruitment under the provisions of the Act and in accordance with the instructions and guidelines issued by the Central Government in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) from time to time.

(2) The number of posts of the Member-Secretary, officers and other employees, their qualifications, scale of pay, method of recruitment, age limit, period of probation and other educational qualifications shall be such as may be specified in the recruitment regulations.

(3) Any person to be employed on whole time employment shall be appointed only when he produces at the time of joining,—

(a) Medical and fitness certificate from the Chief Medical Officer or District Medical Officer or any other Authorised Medical Officer;

(b) Original Degree or Diploma or Certificate in support of the educational qualifications, date of birth and experience;

(c) Character, integrity and antecedents certificate from the Sub-Divisional Magistrate or any gazetted officer or other equivalent competent authority;

(d) Certificate of the Scheduled Caste or the Scheduled Tribe or other backward classes or ex-serviceman or disability, if applicable.

(e) if married, certificate to the effect that he/she is not having more than one living wife/husband.

Provided that the Council may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, except any person from the production of such certificate.

4. Appointing authority.—(1) All appointments to the posts maximum of the pay scale of which is rupees Thirteen Thousand and Five Hundred or above shall be made by the Chairperson with the previous approval of the Central Government.

(2) Appointments to the other posts shall be made by the Member-Secretary.

(3) The Member-Secretary, officers and other employees of the Council shall discharge their functions under the general superintendence or the Chairperson.

5. Salaries and allowances—The Member-Secretary, Officers and other employees shall be entitled to salary in the scale of the post held by them as specified in the recruitment regulations. They shall be entitled to dearness allowance and city compensatory allowance appropriate to their pay at the rates admissible to the Central Government employees from time to time.

6. Grant of leave—(1) The leave of the Member-Secretary, Officers and other employees shall be governed in accordance with the provisions of the Central Civil Service (Leave) Rules, 1972 and orders issued thereunder by the Central Government from time to time.

(2) The Chairperson shall be the authority competent to sanction leave in respect of the Member-Secretary. The Member-Secretary shall be the authority competent to sanction leave in respect of the officers and other employees.

7. Seniority—Seniority of the officers and other employees shall be governed in accordance with the orders and instructions by the Central Government in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and training) from time to time.

8. Superannuation—The age of superannuation for the Member-Secretary, officers and other employees, except Group 'D' employees, shall be 58 years. The age of superannuation for Group 'D' employees shall be 60 years.

9. Conduct.—(1) The Member-Secretary, every officer and every employee shall at all times maintain absolute integrity, devotion to duty and do nothing which is unbecoming of an officer or an employee. The conduct and behaviour of the Member-Secretary, officers and other employees shall be governed by the provisions of the Central Civil Services (Conduct) Rules, 1964 and the orders issued thereunder by the Central Government from time to time.

(2) The classification of the posts of the Member-Secretary, officers and other employees and the matters relating to discipline, imposition of penalty, inquiry, appeal of other related things shall be governed in accordance with the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(3) The authority competent to impose a penalty shall be—

(a) in the case of Member-Secretary and Group 'A' Officers, the Chairperson;

(b) in the case of other employees, the Member-Secretary.

(4) An appeal against the order of the Chairperson imposing a penalty shall lie to the Central Government and against the order of the Member-Secretary to the Chairperson.

10. Facilities for medical treatment.—The Member-Secretary, officers and other employees shall be entitled to medical treatment and hospital facilities appropriate to their pay as provided under the provisions of the (Central Service) Medical Attendance Rules, 1944.

11. Leave travel concession.—The Member-Secretary, officers and other employees shall be entitled to leave travel concession appropriate to their pay at the same rate, at the same scales and on the same conditions as are admissible to the Central Government employees from time to time.

12. Travelling Allowance.—(1) The Member-Secretary, officers and other employees shall be entitled to the travelling allowance for journeys performed in the service of the Council, daily allowance, allowance for transportation of personal effects and other similar matters appropriate to their pay at the same scale, at the same rates and on the same conditions as are admissible to the Central Government employees from time to time.

(2) The Chairperson shall be authority competent to sanction the travelling allowance and other allowances.

13. Insurance.—The Member-Secretary, every officer and every employee shall be entitled to life insurance cover appropriate to their pay in the same manner, at the same scales and on the same conditions as the Central Government employees are entitled under the Central Government Employees Group Insurance Scheme, 1980 notified by the Government of India in the Ministry of Finance (Department of Expenditure) Vide No. F. 7(5)-EV/89, dated the 1st November, 1980.

14. Liability to serve throughout India.—Any person employed as an officer or other employee under the provisions of the recruitment regulations and these regulations shall be liable to serve anywhere in India.

15. Liability to undergo training.—Any person appointed under the provisions of these regulations shall be liable to undergo such training and be detailed on courses of instruction in India as the Government may decide from time to time. Any person detailed for training or course, the duration of which is six months or more or any person detailed for training out side India or with private firms or factories in India, irrespective of the duration of the training, shall be liable to refund in full the expenses or cost of training, if, for any reason, during the training or within a period of three years after the completion of such training, he opts to discontinue his service.

16. Suppression of facts and information.—If any declaration given or information furnished by the Member-Secretary or an officer or an employee proves to be false or incorrect or found to have wilfully suppressed any material information, he/she shall be liable to be removed from the employment of the Council and shall also be liable for such other action as the Council may deem necessary or proper to be taken against him/her.

17. Reservation in employment.—The Council, while making the employment of persons as a Member-Secretary, an officer or an employee, shall adhere to the orders and instructions issued by the Central Government from time to time regarding reservation of posts, relaxation of age limit and other concessions required to be provided to the Scheduled Castes, the Scheduled Tribes, Ex-Servicemen, other backward Classes and other special categories of persons.

18. General conditions of service.—The general conditions of the service of the Member-Secretary, officers and other employees including pay, allowances, honorarium, compensatory allowance, joining time, lien, confirmation, dismissal, removal, suspension, retirement and other related matters shall be governed in accordance with the provisions of the Fundamental Rules and Supplementary Rules, Financial rules, Central Service (Temporary Service) Rules, 1965 and orders issued by the Central Government from time to time.

19. Records of service.—The Council shall maintain the service book, confidential reports and other service records of the Member-Secretary, officers and other employees in accordance with the provisions of Supplementary Rules.

DR. B. P. YADAV, Chairman

REHABILITATION COUNCIL OF INDIA

NOTIFICATION

New Delhi, the 22nd April, 1998

F. No. 5-62/93-RCI.—In exercise of the powers conferred by sub-section (1) of Section 21 and Section 29 of the Rehabilitation Council of India Act, 1992 (34 of 1992) the Rehabilitation Council of India with the previous sanction of the Central Government hereby makes the following regulations namely :—

1. Short title and commencement.—(1) These regulations may be called the Rehabilitation Council of India (Standards of Professional Conduct, Etiquette and Code of Ethics for Rehabilitation Professionals) Regulations, 1998.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions.—In these regulations, unless the context otherwise requires,—
 - (a) “Act” means the Rehabilitation Council of India Act, 1992 (34 of 1992);
 - (b) “Council” means the Rehabilitation Council of India constituted under sub-section (1) of Section 3 of the Act ;
 - (c) “form” means the form annexed to these regulations;
 - (d) “practice” means the treatment of persons with disabilities undertaken by a rehabilitation professional and include the Counselling, teaching and fitting or adjustment of aids and appliances;
 - (e) “professional” means a rehabilitation professional defined under clause (n) of sub-section (1) of Section 2;
 - (f) “section” means section of the Act ;
 - (g) all other words and expressions used in these regulations and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Prohibition of advertisement and publicity.—A professional shall not solicit any person with disabilities, directly or indirectly, either personally, or through any kinds of publicity or advertisement in any newspaper, magazine or pamphlet, or through any documentary film or placard, or by distribution of any circular, card, hand-bill, photograph or chart :

Provided that a professional may issue a formal announcement through any press media or by any other mode about starting or resumption of his practice, change of kinds of practice, change of address of the place of practice or residence, temporary absence from the place of practice, winding up the profession or switching over to another professions :

Provided further that a professional may write or publish a puerly research, medical or science literature written or published for the advancement of the professional skill or science.

4. Declaration by professional.— At the time registration under section 19, every professional shall makes and subscribe an affirmation or a declaration in the Form appended to these regulations and shall agree to abide by the same.

5. Amendment in registration certificate.—(1) No professional shall either himself or thorough some other person make any amendment, change or disfigurement of particulars of the registration certificate issued by the Council. If any change in the address, qualifications or any other particulars of the professional, as declared at the time of registration is required, a notice of such change shall be given by the professional to the Council within a period of thirty days from the date of such change and the registration certificate got amended from the Member- secretary accordingly. The amendments or change of address or any other particulars in the registration certificate shall be duly authenticated by the Member-Secretary.

(2) With a view to get the registration certificate amended the professional shall either produce the original registration certificate personally or through his authorised agent or send the same to the Member-Secretary under registered post.

(3) The Member-Secretary shall make necessary and required amendments in the Register and the registration certificate. The amendments made in the registration certificate shall be duly authenticated by the Member-Secretary.

6. Change the name or surname of professional.—(1) If any change of the name or surname, as declared at the time of registration is required, a notice of such change shall be given by the professional to the Council. Such notice shall be accompanied by,—

(a) a copy of the notification published in the Official Gazette or in any national daily newspaper relating to such alteration, omission or addition of name or surname; or

(b) an affidavit regarding such alteration, omission or addition of name or surname affirmed and authenticated before a Judicial Magistrate or Metropolitan Magistrate; and

(c) the registration certificate in original.

(2) The Member-Secretary shall make necessary and required amendments or changes in the Register and the registration certificate. The amendments or changes made in the registration certificate shall be duly authenticated by the Member-Secretary.

7. Change of place of practice and residence.—If any change takes place in the place of practice or of residence as declared at the time of registration, the professional shall give a notice of such change to the Council within a period of thirty days from the date of change and get his registration certificate amended in accordance with the procedure provided under sub-regulation (2) of regulation 5.

8. Display of qualifications and registration certificate.— (1) Every professional shall display his correct Degree or Diploma on the sign board, letter head pad, prescription slip, visiting card, certificate, report and on other kind of documents to be issued under his signature.

(2) A copy of the registration certificate shall be affixed on a conspicuous place in the premises where the professional is practising.

9. Payment for professional service.—No professional shall enter into a contract of "No cure, No payment" . The consultation fee, the charges in respect of medicaments or other aids and appliances or any other kind of service, shall not be exorbitant.

10. Prohibition of prognosis.—No professional shall indulge himself in exaggeration of forecasting of the course of disease or gravity of the condition of any person with disability.

11. Infamous conduct.—If a professional,—

(a) indulge in exaggeration of forecasting of course of disease;

(b) involve in any indecent act;

(c) maintain improper or elicit relations with any person with disability;

- (d) make use of harsh and rough language with any person with disability;
- (e) charge exorbitant consultation fee or service charges;
- (f) take any undue advantage from the mental or physical affliction of a person with disability;
- (g) insert, affix or adjust knowingly any non-standard aids or appliance to a person with disability;
- (h) does not undertake the rehabilitation or treatment of persons with disabilities on regular and required intervals or proper time;
- (i) neglects knowingly and intentionally any person with disability;
- (j) avails or attempt to avail any benefit meant for persons with disabilities; or
- (k) undertake practice in any field other than his specialisation,

shall be declared as professional of infamous conduct.

12. Submission of information.—Whenever any information in respect of the qualifications, practice, place of practice or residence of professional or any other kind of information is required by the Council or the Central Government, of professional shall submit the same without any delay.

13. Maintenance of register, etc.—Every professional shall maintain the proper daily records of persons examined, the certificates, reports or prescriptions issued and the accounts of consultation fee, service charges and other charges recieved by him.

14. Production of documents, etc.—Whenever the documents including any register, certificate, account books, or other papers in possession of or under the control of any professional are required to be examined or inspected with a view to ascertain the recognised qualifications, vailidity of the registration certificate or in connection with any other matter by the Member-Secretary or by any other officer duly authorised in this behalf by the Central Government or by the Member-Secretary, the professional shall produce the same for examination or inspection before the Member-Secretary or such authorised officer.

15. Consequences for contravention of regulations.—If, after such inquiry as the Council may deem just and proper, any professional is found guilty of contravention of all or any of the provisions of these regulations, shall be liable to be declared as professional having infamous conduct or his name may be ordered to be removed from the Register in accordance with the provisions of sub-section (3) of section 21.

Form

(See regulation 4)

Form of declaration

I, _____, do solemmly affirm that I shall devote myself to the service and well being of the people of India and humanity, that to the best of my ability and knowledge I shall honestly, diligently, faithfully and without any fear, favour or jill-will discharge the duties of the profession upon which I am about to enter, that I shall uphold and maintain the honour and noble tradition of the profession, that the rehabilitation of the persons with disabilities shall be my best consideration and I shall maintain and respect the secrets and standards of professional conduct and etiquette and observe the code of ethics laid down in the Rehabilitation Council of India (Standard of Professional Conduct, Etiquette and Code of Ethics for Rehabilitation Professionals) Regulations, 1998.

I, _____, make this declaration on this _____ day of, 1998/99 without any outside pressure and agree to abide by the same.

Signature of the professional

Seal of the Council

Signature of the Member-Secretary

DR. B.P. YADAV, CHAIRMAN



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 56] नई दिल्ली, बुधवार, सितम्बर 2, 1992/भाद्र 11, 1914
No. 56] NEW DELHI, WEDNESDAY, SEPTEMBER 2, 1992/BHADRA 11, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 2nd September, 1992/Bhadra 11, 1914 (Saka)

The following Act of Parliament received the assent of the President on the 1st September, 1992, and is hereby published for general information:—

THE REHABILITATION COUNCIL OF INDIA ACT, 1992 No. 34 OF 1992

[1st September, 1992.]

An Act to provide for the constitution of the Rehabilitation Council of India for regulating the training of rehabilitation professionals and the maintenance of a Central Rehabilitation Register and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Rehabilitation Council of India Act, 1992.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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

Defini-
tions.

(a) "Chairperson" means the Chairperson of the Council appointed under sub-section (3) of section 3;

(b) "Council" means the Rehabilitation Council of India constituted under section 3;

(c) "handicapped" means a person—

(i) visually handicapped;

(ii) hearing handicapped;

(iii) suffering from locomotor disability; or

(iv) suffering from mental retardation;

(d) "hearing handicap" means deafness with hearing impairment of 70 decibels and above, in the better ear or total loss of hearing in both ears;

(e) "locomotor disability" means a person's inability to execute distinctive activities associated with moving, both himself and objects, from place to place, and such inability resulting from affliction of either bones, joints, muscles or nerves;

(f) "member" means a member appointed under sub-section (3) of section 3 and includes the Chairperson;

(g) "Member-Secretary" means the Member-Secretary appointed under sub-section (1) of section 8;

(h) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by sub-normality of intelligence;

(i) "notification" means a notification published in the Official Gazette;

(j) "prescribed" means prescribed by regulations;

(k) "recognised rehabilitation qualifications" means any of the qualifications included in the Schedule;

(l) "Register" means the Central Rehabilitation Register maintained under sub-section (1) of section 23;

(m) "regulations" means regulations made under this Act;

(n) "rehabilitation professionals" means—

(i) audiologists and speech therapists;

(ii) clinical psychologists;

(iii) hearing aid and ear mould technicians;

(iv) rehabilitation engineers and technicians;

(v) special teachers for educating and training the handicapped;

(vi) vocational counsellors, employment officers and placement officers dealing with handicapped;

(vii) multi-purpose rehabilitation therapists, technicians; or

(viii) such other category of professionals as the Central Government may, in consultation with the Council, notify from time to time;

(o) "visually handicapped" means a person who suffers from any of the following conditions, namely:—

(i) total absence of sight;

(ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with the correcting lenses; or

(iii) limitation of the field of vision subtending and angle of degree or worse.

(2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

THE REHABILITATION COUNCIL OF INDIA

3. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be constituted for the purposes of this Act a Council to be called the Rehabilitation Council of India.

Constitution
and
incorpora-
tion of
Rehabilita-
tion Council
of India.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, 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 Council shall consist of the following members, namely:—

(a) a Chairperson, from amongst the persons having experience in social work or rehabilitation, to be appointed by the Central Government;

(b) three members to be appointed by the Central Government to represent respectively the Ministries of the Central Government dealing with—

(i) Welfare;

(ii) Health; and

(iii) Finance;

(c) one member to be appointed by the Central Government to represent the University Grants Commission;

(d) one member to be appointed by the Central Government to represent the Directorate General of Indian Council of Medical Research;

(e) two members to be appointed by the Central Government to represent the Ministry or department of the States or the Union territories dealing with Social Welfare by rotation in alphabetical order;

(f) such number of members not exceeding six as may be appointed by the Central Government from amongst the rehabilitation professionals working in voluntary organisations;

(g) such number of members not exceeding four as may be appointed by the Central Government from amongst the medical practitioners enrolled under the Indian Medical Council Act, 1956 and engaged in rehabilitation of the handicapped; 102 of 1956.

(h) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(i) such number of members not exceeding three as may be nominated by the Central Government from amongst the social workers who are actively engaged in assisting the disabled;

(j) the Member-Secretary, *ex officio*.

(4) The office of member of the Board shall not disqualify its holder for being chosen as, or for being, a Member of either House of Parliament.

Term of
office
of Chair-
person
and
members.

4. (1) The Chairperson or a member shall hold office for a term of two years from the date of his appointment or until his successor shall have been duly appointed, whichever is longer.

(2) A casual vacancy in the Council shall be filled in accordance with the provisions of section 3 and the person so appointed shall hold office only for the remainder of the term for which the member in whose place he was appointed would have held that office.

(3) The Council shall meet at least once in each year at such time and place as may be appointed by the Council and shall observe such rules of procedure in the transaction of business at a meeting as may be prescribed.

(4) The Chairperson or, if for any reason, he is unable to attend the meeting of the Council, any member elected by the members present from amongst themselves at the meeting, shall preside at the meeting.

(5) All questions which come up before any meeting of the Council shall be decided by a majority of votes of the members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence, the person presiding shall have a second or casting vote.

Disquali-
fications.

5. No person shall be a member if he—

(a) is, or becomes, of unsound mind or is so declared by a competent court; or

(b) is, or has been, convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) is, or at any time has been, adjudicated as insolvent.

Vacation
of office
by mem-
bers.

6. If a member—

(a) becomes subject to any of the disqualifications mentioned in section 5; or

(b) is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council; or

(c) ceases to be enrolled on the Indian Medical Register in the case of a member referred to in clause (g) of sub-section (3) of section 3,

his seat shall thereupon become vacant.

7. (1) The Council shall constitute from amongst its members an Executive Committee and such other committees for general or special purposes as the Council deems necessary to carry out the purposes of this Act.

Executive
Committee
and other
committees.

(2) The Executive Committee shall consist of the Chairperson who shall be member *ex officio* and not less than seven and not more than ten members who shall be nominated by the Council from amongst its members.

(3) The Chairperson shall be the Chairperson of the Executive Committee.

(4) In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee or any other committee shall exercise and discharge such powers and duties as the Council may confer or impose upon it by any regulations which may be made in this behalf.

8. (1) The Central Government shall appoint the Member-Secretary of the Council to exercise such powers and perform such duties under the direction of the Council as may be prescribed or as may be delegated to him by the Chairperson.

Member-
Secretary
and em-
ployees of
Council.

(2) The Council shall, with the previous sanction of the Central Government employ such officers and other employees as it deems necessary to carry out the purpose of this Act

(3) The Council shall, with the previous sanction of the Central Government, fix the allowances to be paid to the Chairperson and other members and determine the conditions of service of the Member-Secretary, officers and other employees of the Council.

9. No act or proceeding of the Council or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council or a committee thereof, as the case may be.

Vacancies
in the
Council
not to
invali-
date acts,
etc.

10. (1) On and from the date of the constitution of the Council, the Rehabilitation Council shall stand dissolved and on such dissolution,—

(a) all properties and assets, movable and immovable, of, or belonging to, the Rehabilitation Council shall vest in the Council;

(b) all the rights and liabilities of the Rehabilitation Council shall be transferred to, and be the rights and liabilities of, the Council;

(c) without prejudice to the provisions of clause (b), all liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Rehabilitation Council immediately before that date, for or in connection with the purposes of the said Rehabilitation Council shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the Council;

Dissolu-
tion of
Rehabili-
tation
Council
and
transfer
of rights,
liabilities
and em-
ployees of
Rehabili-
tation
Council
to
Council.

(d) all sums of money due to the Rehabilitation Council immediately before that date shall be deemed to be due to the Council;

(e) all suits and other legal proceedings instituted or which could have been instituted by or against the Rehabilitation Council immediately before that date may be continued or may be instituted by or against the Council; and

(f) every employee holding any office under the Rehabilitation Council immediately before that date shall hold his office in the Council by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office as if the Council had not been constituted and shall continue to do so as an employee of the Council or until the expiry of a period of six months from that date if such employee opts not to be the employee of the Council within such period.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law for the time being in force, absorption of any employee by the Council in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority. 14 of 1947.

Explanation.—In this section, "Rehabilitation Council" means the Rehabilitation Council, a society formed and registered under the Societies Registration Act, 1860 and functioning as such immediately before the constitution of the Council. 21 of 1860.

CHAPTER III

FUNCTIONS OF THE COUNCIL

Recogni-
tion of
qualifi-
cations
granted
by Uni-
versity,
etc.,
in India
for reha-
bilitation
profes-
sionals.

11. (1) The qualifications granted by any University or other institution in India which are included in the Schedule shall be recognised qualifications for rehabilitation professionals.

(2) Any University or other institution which grants qualification for the rehabilitation professionals not included in the Schedule may apply to the Central Government to have any such qualification recognised, and the Central Government, after consulting the Council may, by notification, amend the Schedule so as to include such qualification therein and any such notification may also direct that an entry shall be made in the last column of the Schedule against such qualification only when granted after a specified date.

Recogni-
tion of
qualifi-
cations
granted
by insti-
tutions
outside
India.

12. The Council may enter into negotiations with the authority in any country outside India for settling of a scheme of reciprocity for the recognition of qualifications, and in pursuance of any such scheme, the Central Government may, by notification, amend the Schedule so as to include therein any qualification which the Council has decided should be recognised, and by such notification may also direct that an entry shall be made in the last column of the Schedule declaring that it shall be the recognised qualification only when granted after a specified date.

13. (1) Subject to the other provisions contained in this Act, any qualification included in the Schedule shall be sufficient qualification for enrolment on the Register.

(2) No person, other than the rehabilitation professional who possesses a recognised rehabilitation qualification and is enrolled on the Register,—

(a) shall hold office as rehabilitation professional or any such office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practice as rehabilitation professional anywhere in India;

(c) shall be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by a rehabilitation professional;

1 of 1872. (d) shall be entitled to give any evidence in any court as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to the handicapped:

Provided that if a person possesses the recognised rehabilitation professional qualifications on the date of commencement of this Act, he shall be deemed to be an enrolled rehabilitation professional for a period of six months from such commencement, and if he has made an application for enrolment on the Register within said period of six months, till such application is disposed of.

(3) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

14. Every University or institution in India which grants a recognised qualification shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the ages at which such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

15. (1) The Council shall appoint such number of Inspectors as it may deem requisite to inspect any University or institution where education for practising as rehabilitation professionals is given or to attend any examination held by any University or institution for the purpose of recommending to the Central Government recognition of qualifications granted by that University or institution as recognised rehabilitation qualifications.

(2) The Inspectors appointed under sub-section (1) shall not interfere with the conduct of any training or examination but shall report to the Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving such education or of the sufficiency of every examination which they attend.

(3) The Council shall forward a copy of the report of the Inspector under sub-section (2) to the University or institution concerned and shall

Rights of persons possessing qualifications included in the Schedule to be enrolled.

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

Inspectors at examinations.

also forward a copy, with the remarks of the University or the institution thereon, to the Central Government.

Visitors
at exami-
nations.

16. (1) The Council may appoint such number of Visitors as it may deem requisite to inspect any University or institution wherein education for rehabilitation professionals is given or attend any examination for the purpose of granting recognised rehabilitation qualifications.

(2) Any person, whether he is a member of the Council or not, may be appointed as a Visitor under sub-section (1) but a person who is appointed as an Inspector under sub-section (1) of section 15 for any inspection or examination shall not be appointed as a Visitor for the same inspection or examination.

(3) The Visitor shall not interfere with the conduct of any training or examination but shall report to the Chairperson on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities prescribed for giving education to the rehabilitation professionals or on sufficiency of every examination which they attend.

(4) The report of a Visitor shall be treated as confidential unless in any particular case the Chairperson otherwise directs:

Provided that if the Central Government requires a copy of the report of a Visitor, the Council shall furnish the same.

With-
drawal of
recogni-
tion.

17. (1) When upon report by the Inspector or the Visitor it appears to the Council—

(a) that the courses of study and examination to be undergone in or the proficiency required from candidates at any examination held by any University or institution, or

(b) that the staff, equipment, accommodation training and other facilities for instruction and training provided in such University or institution,

do not conform to the standard prescribed by the Council, the Council shall make a representation to that effect to the Central Government.

(2) After considering such representation, the Central Government may send it to the University or institution with an intimation of the period within which the University or institution may submit its explanation to that Government.

(3) On the receipt of the explanation or where no explanation is submitted within the period fixed then, on the expiry of that period, the Central Government after making such further inquiry, if any, as it may think fit, may, by notification, direct that an entry shall be made in the Schedule against the said recognised rehabilitation qualification declaring that it shall be the recognised rehabilitation qualification only when granted before a specified date or that the said recognised rehabilitation qualification if granted to students of a specified University or institution shall be recognised rehabilitation qualification only when granted before a specified date, or as the case may be, that the said recognised rehabilitation qualification shall be recognised rehabilitation qualification in relation to a specified University or institution only when granted after a specified date.

18. The Council may prescribe the minimum standards of education required for granting recognised rehabilitation qualification by Universities or institutions in India.

Minimum standards of education.

19. The Member-Secretary of the Council may, on receipt of an application made by any person in the prescribed manner enter his name in the Register provided that the Member-Secretary is satisfied that such person possesses the recognised rehabilitation qualification.

Registration in Register.

20. Subject to the conditions and restrictions laid down in this Act regarding engagement in the area of rehabilitation of the handicapped by persons possessing the recognised rehabilitation qualifications, every person whose name is for the time being borne on the Register shall be entitled to practise as a rehabilitation professional in any part of India and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances or any fees to which he may be entitled.

Privileges of persons who are registered on Register.

21. (1) The Council may prescribe standards of professional conduct and etiquette and a code of ethics for rehabilitation professionals.

Professional conduct and removal of names from Register.

(2) Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything contained in any other law for the time being in force.

(3) The Council may order that the name of any person shall be removed from the Register 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,—

(i) that his name has been entered in the Register by error or on account of misrepresentation or suppression of a material fact;

(ii) that he has been convicted of any offence or has been guilty of any infamous conduct in any professional respect, or has violated the standards of professional conduct and etiquette or the code of ethics prescribed under sub-section (1) which, in the opinion of the Council, renders him unfit to be kept in the Register.

(4) An order under sub-section (3) may direct 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 of years as may be specified.

22. (1) Where the name of any person has been removed from the Register on any ground other than that he is not possessed of the requisite rehabilitation qualifications, he may appeal, in the prescribed manner and subject to such conditions, including conditions as to the payment of a fee; as may be prescribed to the Central Government whose decision thereon shall be final.

Appeal against order of removal from Register.

(2) No appeal under sub-section (1) shall be admitted if it is preferred after the expiry of a period of thirty days from the date of the order under sub-section (3) of section 21:

Register.

23. (1) It shall be the duty of the Member-Secretary to keep and maintain the Register in accordance with the provisions of this Act and any order made by the Council and from time to time to revise the Register and publish it in the Official Gazette.

(2) The Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 and may be proved by a copy thereof.

1 of 1372

Information to be furnished by Council and publication thereof.

24. (1) The Council shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as that Government may require.

(2) The Central Government may publish in such manner as it may think fit, any report, copy, abstract or other information furnished to it by the Council under this section or under section 16.

Cognizance of offences.

25. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by any person authorised in this behalf by the Council.

2 of 1374

Protection of action taken in good faith.

26. No suit, prosecution or other legal proceeding shall lie against the Central Government, Council, Chairperson, members, Member-Secretary or any officer or other employee of the Council for anything which is in good faith done or intended to be done under this Act.

Employees of Council to be public servants.

27. The Chairperson, members, Member-Secretary, officers and other employees of the Council shall, while acting or purporting to act in pursuance of the provisions of this Act or of any rule and regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1950

Power to make rules.

28. The Central Government may, by notification, make rules to carry out the purposes of this Act.

Power to make regulations.

29. The Council may, with the previous sanction of the Central Government, make, by notification, regulations generally to carry out the purposes of this Act, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the management of the property of the Council;

(b) the maintenance and audit of the accounts of the Council;

(c) the resignation of members of the Council;

(d) the powers and duties of the Chairperson;

(e) the rules of procedure in the transaction of business under sub-section (3) of section 4;

(f) the function of the Executive Committee and other committees, constituted under section 7;

(g) the powers and duties of the Member-Secretary under sub-section (1) of section 8;

(h) the qualifications, appointment, powers and duties of, and procedure to be followed by, Inspectors and Visitors;

(i) the courses and period of study or of training, to be undertaken, the subjects of examination and standards of proficiency therein to be obtained in any University or any institution for grant of recognised rehabilitation qualification;

(j) the standards of staff, equipment, accommodation, training and other facilities for study or training of the rehabilitation professionals;

(k) the conduct of examinations, qualifications of examiners, and the condition of the admission to such examinations;

(l) the standards of professional conduct and etiquette and code of ethics to be observed by rehabilitation professionals under sub-section (1) of section 21;

(m) the particulars to be stated, and proof of qualifications to be given, in application for registration under this Act;

(n) the manner in which and the conditions subject to which an appeal may be preferred under sub-section (1) of section 22;

(o) the fees to be paid on applications and appeals under this Act;

(p) any other matter which is to be, or may be, prescribed.

30. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree 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; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying
of rules
and re-
gulations
before
Parlia-
ment.

THE SCHEDULE

(See section 11)

RECOGNISED REHABILITATION QUALIFICATIONS GRANTED BY UNIVERSITIES OR INSTITUTIONS IN INDIA

University/Institution	Name of Course	Qualification	Remarks
1	2	3	4
<i>I.—Rehabilitation engineers/technicians</i>			
National Institute for the Orthopaedically Handicapped, B.T. Road, Bonhooghly, Calcutta-700 090	Diploma in Prosthetic & Orthotic Engineering (2 Years)	Diploma	
Department of Rehabilitation, Safdarjang Hospital, New Delhi	Course in Prosthetics & Orthotics (3 Years)	Diploma	
Govt. Institute of Rehabilitation of Medicine, K. K. Nagar, Madras-600 083	Diploma in Orthotics & Prosthetics	Diploma	
National Institute of Rehabilitation Training and Research, Olatpur, P.O. : Bairoi Distt. Cuttack (Orissa).	Diploma in Prosthetic & Orthotic Engineering (2 Years)	Diploma	
All India Institute of Physical Medicine & Rehabilitation, Haji Ali, Khadye Marg, Mahalaxmi, Bombay-400 034	B.Sc. (P&O)	Degree	
School of Prosthetics & Orthotics, K. K. Nagar, Madras-600 083	Diploma in Prosthetic & Orthotics Engineering (2 Years duration)	Diploma	
Schiffelin Leprosy Research and Training Centre, Karigiri, SLR Sanatorium, P. O. North Arcot Distt. (S. India)	Prosthetic Technician Course (18 months)	Diploma	
<i>II.—Audiologists and speech therapists</i>			
All India Institute of Speech and Hearing, Manasa Gangothri, Mysore-576 006	(B.Sc. Speech & Hearing) (3 Years duration)	Degree	
Ali Yavar Jung National Institute for the Hearing Handicapped, Bandra (W), Bombay-400 050	B.Sc. (A. & S.T.) (3 Years duration)	Degree	
Post-Graduate Institute of Medical Education and Research, Chandigarh-160 012	B.Sc. (Speech & Hearing) (3 Years duration)	Degree	

1	2	3	4
Topiwalla National Medical College and BYL Nair Charitable Hospital, Dr. A. L. Nair Road, Bombay-400 008	Diploma in Audiology & Speech Therapy (B.Sc.)		Diploma
All India Institute of Medical Sciences, Ansari Nagar, New Delhi	B.Sc. (Hons.) in Speech & Hearing		Degree
III.—Teachers of special schools and integrated schools for the disabled			
Shri K. L. Institute for the Deaf, 51, Vidyanagar, Bhavnagar-364 002 (Gujarat)	Teachers Training for the Deaf (1 Year duration)		Diploma
The Educational Audiology and Research Centre School for the Deaf "PONAM", 67, Napean Sea Road, Bombay-400 006	Certificate Course for Teachers of the Deaf (10 months duration)		Certificate
V. R. Ruia Mook-Badhir Vidyalaya, Pune-30	Teachers Training Course for Deaf Students (1 Year duration)		Diploma
Little Flower Convent Higher Sec. School for the Deaf, 127, G.N. Road, Cathedral P.O., Madras-600 006	(i) Junior Diploma in Teaching the Deaf		Diploma
	(ii) Senior Diploma in Teaching the Deaf (10 months duration)		Diploma
The Blind Relief Association Lal Bahadur Shastri Marg, New Delhi-110 003	One Year Diploma Course for Training of Teachers of the Blind		Diploma
The Clarke School for the Deaf, "SADHANA", No. 3, Third Street, Dr. Radhakrishnan Road, Mylapore, Madras-600 004	(i) Teachers Training for the Deaf		Diploma
	(ii) Teachers Training for the Mentally Retarded		Diploma
Ramakrishna Mission, Blind Boy's Academy, Harendrapur-743 508, West Bengal	(i) In-Service Primary level Teachers of the Visually Handicapped (18 months duration)		Diploma
	(ii) Secondary level Teachers of the Visually Handicapped (10 months duration)		Diploma
Govt. Higher Secondary School for the Blind, Poonamallee, Madras-600 056	(i) Diploma in Teaching the Blind (6 months at School + 12 months by Correspondence)		Diploma
	(ii) Special Examination in Teaching the Blind (10 months course)		Certificate

1	2	3	4
Ali Yavar Jung National Institute for the Hearing Handicapped, Bandra (W.), Bombay-400 050	(i) B.Ed. (Deaf) (ii) D Ed. (Deaf) in Regional Languages	P.G. Diploma Diploma	
IV. <i>Multipurpose rehabilitation therapists technicians/assistant/worker</i>			
Department of Rehabilitation, Safdarjung Hospital, New Delhi-110 029	One Year Certificate Course for Multi-Rehabilitation Worker	Certificate	
V - <i>Vocational counsellors</i>			
National Council of Education Research and Training, Sri Aurobindo Marg, New Delhi-110 016	Diploma Course in Educa- tional and Vocational Gui- dance (9 months duration)	Diploma	
All India Institute of Physical Medicine & Rehabilitation, Haji Ali, Khadye Marg, Mahalaxmi, Bombay-400 034	PGDR (Vocational Guidance)	Diploma	
VI. - <i>Diploma in communication disorders</i>			
Ali Yavar Jung National Institute for the Hearing Handicapped, Bandra (W.), Bombay-400 050	Diploma in Communication Disorders (1 Year)	Diploma	

K. L. MOHANPURIA,
Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 47]

नई दिल्ली, सोमवार, सितम्बर 4, 2000 / भाद्र 13, 1922

No. 47]

NEW DELHI, MONDAY, SEPTEMBER 4, 2000 / BHADRA 13, 1922

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 4th September, 2000/Bhadra 13, 1922 (Saka)

The following Act of Parliament received the assent of the President on the 4th September, 2000, and is hereby published for general information:—

THE REHABILITATION COUNCIL OF INDIA (AMENDMENT) ACT, 2000

No. 38 OF 2000

[4th September, 2000]

An Act to amend the Rehabilitation Council of India Act, 1992.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Rehabilitation Council of India (Amendment) Act, 2000. Short title.

34 of 1992.

2. In the Rehabilitation Council of India Act, 1992 (hereinafter referred to as the principal Act), in the long title for the words "the training of rehabilitation professionals and", the words "and monitoring the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education," shall be substituted. Amendment of long title.

Amendment
of section 2.

3. In section 2 of the principal Act,—

(1) in sub-section (1),—

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) “handicapped” means a person suffering from any disability referred to in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;”

(ii) clauses (d) and (e) shall be omitted;

(iii) after clause (m), the following clause shall be inserted, namely:—

“(ma) “rehabilitation” refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;”

(iv) clause (o) shall be omitted;

(2) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Words and expressions used and not defined in this Act but defined in the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 shall have the meanings respectively assigned to them in that Act.”

1 of 1996.

Amendment
of section 3.

4. In section 3 of the principal Act, in sub-section (3), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) a Chairperson, from amongst the persons having experience in administration with professional qualification in the field of rehabilitation, disabilities, and special education, to be appointed by the Central Government;

(b) such number of members not exceeding seven, as may be nominated by the Central Government, to represent the Ministries of the Central Government dealing with matters relating to persons with disabilities;”

Amendment
of section 13.

5. In section 13 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Notwithstanding anything contained in sub-section (2), any person being a doctor or a paramedic in the field of physical medicine and rehabilitation, orthopaedics, ear, nose or throat (ENT), ophthalmology or psychiatry, employed or working in any hospital or establishment owned or controlled by the Central Government or a State Government or any other body funded by the Central or a State Government and notified by the Central Government, may discharge the functions referred to in clauses (a) to (d) of that sub-section.”

Amendment
of section 19.

6. In section 19 of the principal Act, the following provisos shall be inserted at the end, namely:—

“Provided that the Council shall register vocational instructors and other personnel working in the vocational rehabilitation centres under the Ministry of Labour on recommendation of that Ministry and recognise the vocational rehabilitation centres as manpower development centres:

Provided further that the Council shall register personnel working in national institutes and apex institutions on disability under the Ministry of Social Justice and Empowerment on recommendation of that Ministry and recognise the national institutes and apex institutions on disability as manpower development centres.”

7. In section 22 of the principal Act, in sub-section (2), for the words "period of thirty days", at both the places where they occur, the words "period of sixty days" shall be substituted. Ar
o'

SUBHASH C. JAIN,
Secy. to the Govt. of India.