



The Maharashtra Paramedical Council Act, 2011

Act 6 of 2016

Keyword(s):

Paramedical Qualification, Recognised Paramedical Institution, Registered Paramedical Practitioner, Recognised Paramedical Qualification

Amendment appended: 36 of 2017

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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष २, अंक ९]

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असाधारण क्रमांक ११

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Paramedical Council Act, 2011 (Mah. Act No. VI of 2016), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Draftsman-cum-Joint Secretary
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VI OF 2016.

(First published, after having received the assent of the President in the "*Maharashtra Government Gazette*", on the 30th January 2016).

An Act to provide for the establishment of a Paramedical Council to regulate certain matters in the State pertaining to registration of paramedical practitioners and for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to provide for the establishment of the Maharashtra Paramedical Council, to regulate certain matters in the State pertaining to the registration of paramedical practitioners and for matters connected therewith or incidental thereto; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Maharashtra Paramedical Council Act, 2011.

(2) It extends to the whole of the State of Maharashtra.

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

Definitions.

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

(a) “Council” means the Maharashtra Paramedical Council established under section 3;

(b) “Government” or “State Government” means the Government of Maharashtra;

(c) “member” means a member of the Council;

(d) “paramedical qualification” means any degree, diploma, certificate or course, by whatever name called, specified in the Schedule and any recognized qualification designed to train a person in providing services ancillary to, or required as assistance in the teaching or practice of modern scientific medicine, *Ayurvedic* System, *Unani* System and Homoeopathic System of Medicine and such other qualifications, as may be notified by the Government, as recognized paramedical qualifications, from time to time;

(e) “prescribed” means prescribed by rules;

(f) “President” means the President of the Council;

(g) “recognized paramedical institution” means any medical college or hospital or other institution recognized for the purposes of this Act, for conducting paramedical practices ;

(h) “recognized paramedical qualification” means a degree, diploma, certificate or course in any paramedical qualification, by whatever name called, granted by the Maharashtra University of Health Sciences, Nashik or any other University established by law or any other institution recognized by the State Government in this behalf;

(i) “registered paramedical practitioner” means a person registered under section 26;

(j) “regulations” means the regulations made by the Council under section 41;

(k) “rules” means the rules made under section 40;

(l) “Schedule” means the Schedule appended to this Act;

(m) “State Register” means a Register maintained under section 26 and the expressions “registered” and “registration” shall be construed accordingly;

(n) “Vice-President” means the Vice-President of the Council.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF THE MAHARASHTRA PARAMEDICAL COUNCIL.

3. (1) The Government shall, as soon as may be, after the commencement of this Act, establish by notification in the *Official Gazette*, a Council to be called the Maharashtra Paramedical Council with effect from such date as may be specified therein.

Establishment
of
Maharashtra
Paramedical
Council.

(2) The Council established under sub-section (1), 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 may, sue or be sued by its corporate name.

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

Constitution
of Council.

(i) The Director, Medical Education and Research, Maharashtra, *ex-officio* member;

(ii) The Director, Health Services, Maharashtra, *ex-officio* member;

(iii) The Director, *Ayurveda*, Maharashtra, *ex-officio* member;

(iv) The Vice-Chancellor, Maharashtra University of Health Sciences or his nominee, *ex-officio* member;

(v) The President of the Maharashtra Medical Council, *ex-officio* member;

(vi) five members to be nominated by the Government;

(vii) six members to be elected from amongst the registered paramedical practitioners, one from each revenue division, in such manner, as may be prescribed :

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

(2) No person shall at the same time serve as a member in more than one capacity.

(3) The President and Vice-President of the Council shall be elected by the members from amongst themselves.

5. (1) The Government shall, by notification in the *Official Gazette*, publish the names of the elected and nominated members.

Term of
office of
nominated
and elected
members
and
nominee.

(2) Save as otherwise provided in this Act, a member, whether elected or nominated, shall hold office for a term of five years commencing from the date of the first meeting of the Council :

Provided that, the members nominated under the proviso to clause (vii) of sub-section (1) of section 4 shall hold office till the elected members have entered their offices, and the members so elected, shall continue in the office for the unexpired term of the nominated members under the said clause (vii).

(3) The President and Vice-President of the Council shall hold office from the date of their election, upto the day on which their term of office as a member expires.

(4) The nominee of the Vice-Chancellor of the Maharashtra University of Health Sciences nominated under clause (iv) of sub-section (1) of section 4 shall hold office of a member, in the absence of the Vice-Chancellor.

(5) Notwithstanding anything contained in sub-section (2), an outgoing member shall continue in the office till the nomination or election, as the case may be, of his successor.

(6) Leave of absence may be granted by the Council to any member for a period not exceeding six months.

Disquali-
fications.

6. A person shall be disqualified for being nominated or elected as, and for continuing as, a member,—

- (a) if he is not a citizen of India;
- (b) if he is an undischarged insolvent;
- (c) if he is, or becomes of, unsound mind and stands so declared by a competent court;
- (d) if he is, or has been convicted of any offence involving moral turpitude;
- (e) if he is an employee of the Council and is remunerated by salary or honorarium; or
- (f) if his name has been removed from the State Register, or from the Register of Medical, *Ayurveda*, *Unani* or Homoeopathic practitioners, under any Act for the time being in force and has not been re-entered therein.

Resignation
by
nominated
or elected
member.

7. (1) The President or the Vice-President or a nominated member may at any time resign his office, by submitting a letter of resignation to the Government, under intimation to the Registrar of the Council. The resignation shall take effect from the date on which it is accepted by the Government.

(2) An elected member may at any time resign his office by submitting a letter of resignation to the President, under intimation to the Government. Every such resignation shall take effect from the date on which it is accepted by the President.

Office of
absent or
disqualified
member to
be declared
vacant.

8. (1) If any member other than *ex-officio* member, during the term of his office,—

- (a) absents himself from three consecutive meetings of the Council, without the leave of the Council granted under sub-section (6) of section 5; or
- (b) remains out of India for a period exceeding twelve consecutive months; or
- (c) becomes or is found to be subject to any of the disqualifications mentioned in section 6,

the Council shall declare his office vacant :

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

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

9. Any casual vacancy, before the expiry of the term of a member, other than an *ex-officio* member, caused by reason of death, resignation, disqualification, disability or any cause, shall be filled in, as soon as may be, by nomination or election, as the case may be, and the person so nominated or elected shall hold the office for the unexpired term of his predecessor.

Filling up of casual vacancies.

CHAPTER III

CONDUCT OF BUSINESS OF COUNCIL.

10. (1) The President shall convene and fix the date of every meeting, which may either be ordinary or special.

Convening of meeting.

(2) A notice of every meeting, specifying the date, time and place thereof and the business to be transacted thereat, shall be dispatched to every member fifteen clear days before an ordinary meeting and seven clear days before a special meeting.

(3) No business other than that specified in the notice shall be transacted at a meeting except with the permission of the President.

11. The President may, if he thinks fit, within a period of not more than two weeks of the receipt of a written requisition, signed by not less than seven members call a special meeting.

Power of President to call special meeting.

12. The President when present shall preside over every meeting of the Council. If at any meeting the President is absent, then the Vice-President, and in the absence of both, some other member elected by the members present, from amongst themselves, shall preside over such meeting.

Presiding over meeting.

13. Except as otherwise provided by or under this Act, all questions at a meeting of the Council shall be decided by a majority of the votes of the members present and voting at the meeting and in case of an equality of votes, the presiding authority at a meeting shall exercise a second or a casting vote.

Decision of question by majority of votes.

14. The procedure for adjournment of, quorum at and recording of minutes of meeting of the Council shall be such as may be prescribed.

Procedure of meeting of Council.

15. No act or proceedings of the Council shall be invalid merely by reason of,—

Validity of proceedings.

(a) any vacancy or defect in the constitution thereof ; or

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

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

Allowances to members. **16.** (1) There shall be paid to the President, the Vice-President and other members, such allowances for attendance at meetings and such reasonable travelling and other allowances, as may be prescribed.

(2) No member shall be entitled to any payment from the Council other than the payment as specified under sub-section (1).

Powers of Council to invite any person having special knowledge or experience. **17.** (1) The Council may, if deemed appropriate or necessary, invite any person having special knowledge or experience in paramedical field or related studies or practice, or in other fields relevant to the objects and functions of the Council, to any of its meetings. Such person shall have the right to take part in the discussions but shall have no right to vote.

(2) Such invitee shall be entitled to receive such travelling and other allowances as are specified under section 16 for the purpose of attending the meeting.

Committees. **18.** (1) The Council may appoint from time to time, and for such period, a committee or committees consisting of such number of its members as it may think fit and may refer to such committee or committees for enquiry and report or for opinion, any matter for the purposes of this Act.

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

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

(4) The President of such committee, if deemed appropriate or necessary, may invite any person having special knowledge or experience in the subject with the committee, to any of its meetings, and in that case the provision of section 17 shall apply.

CHAPTER IV

POWERS AND FUNCTIONS OF COUNCIL.

Powers and functions of Council. **19.** (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 for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the powers and functions of the Council shall be —

- (a) to maintain the State Register ;
- (b) to recommend to the Government recognition of new paramedical qualifications under sub-section (3) of section 20 ;
- (c) to hear and decide appeals from any of the decision of the Registrar, in such manner as may be determined by regulations ;
- (d) to frame a Code of Ethics for regulating the professional conduct of registered paramedical practitioners ;
- (e) to reprimand a registered paramedical practitioner, or to suspend or remove him from the State Register, or to take such other disciplinary action against him as may, in the opinion of the Council, be necessary or expedient ;
- (f) to permit any member to absent himself from three consecutive meetings of the Council ;
- (g) to promote innovations, research and development in establishment of new and existing paramedical and related subjects ;
- (h) to promote an effective link between paramedical education, medical education, *Ayurvedic*, *Unani* and Homoeopathic Systems of medicine ;
- (i) to conduct the election of members under clause (vii) of sub-section (1) of section 4 ; and
- (j) to perform such other functions as may be prescribed.

CHAPTER V

RECOGNITION OF PARAMEDICAL QUALIFICATIONS.

102
of
1956. **20.** (1) The paramedical qualifications granted by the Indian Medical Institutions which are included in the First Schedule to the Indian Medical Council Act, 1956, shall be deemed to be the recognized paramedical qualifications for the purposes of this Act.

102
of
1956. (2) The paramedical qualifications granted by medical institutions outside India which are included in the Second Schedule to the Indian Medical Council Act, 1956, shall be deemed to be the recognized paramedical qualifications for the purposes of this Act.

(3) The Government may, after consultation with the Council, recognize any paramedical qualification for the purposes of this Act.

(4) Where the Council has refused to recommend any paramedical qualification which has been proposed for recognition, the Government after considering such application and after obtaining from the Council a report, if any, as to the reasons for any such refusal, may, by notification in the *Official Gazette*, amend the Schedule so as to include such qualification therein.

Recognition of paramedical qualifications granted by Universities or paramedical institutions in India and in countries with which there is scheme of reciprocity.

CHAPTER VI

REGISTRAR AND OTHER EMPLOYEES OF THE COUNCIL.

Registrar
and other
employees
of the
Council.

21. (1) The Council shall, with the prior approval of the Government, appoint a Registrar who shall act as the Secretary of the Council.

(2) The Council shall, from time to time, appoint such other officers and employees as it deems necessary for carrying out its duties and performing its functions under this Act.

(3) The qualifications, salaries, allowances and other conditions of service of the Registrar and of other officers and employees shall be such as may be prescribed.

(4) The Registrar and any other officer or employees appointed by the Council under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of
1860.

Duties of
Registrar.

22. (1) It shall be the duty of the Registrar to prepare and maintain the State Register in accordance with the provisions of this Act and any order made by the Council, from time to time, and to revise the State Register and to publish the order in the *Official Gazette*, in such manner as may be determined by regulations.

(2) The Registrar shall perform the duties and discharge such other functions as may be specified under this Act or as may be prescribed.

(3) The Registrar shall ensure that the State Register is correct at all times and may, from time to time, enter therein any material alteration in respect of the address and qualifications of the registered paramedical practitioners.

(4) The Registrar shall remove from the State Register, the names of the registered paramedical practitioners who die or whose names are directed to be removed from the State Register or who cease to be the registered paramedical practitioners.

(5) On receipt of intimation from the registered paramedical 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.

CHAPTER VII

FUND OF COUNCIL.

Fund of
Council.

23. (1) The Council shall establish a fund to be called the Council Fund.

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

- (a) any contribution or grant by Central or State Government;
- (b) all income of the Council from all sources including income from fees and fines ;

(c) all donations, endowments income or moneys from other grants, if any ;

(d) all other sums received by the Council.

24. The Council Fund shall be applied to the following objects, namely:—

Objects to which fund of Council shall be applied.

(a) repayments of debts incurred by the Council for the purposes of this Act ;

(b) expenses of any suit or legal proceedings to which the Council is a party ;

(c) payment of salaries and allowances to the officers and employees of the Council ;

(d) payment of travelling and other allowances to the members of the Council ;

(e) payment of any expenses incurred by the Council in implementation of the provisions of this Act and the rules and regulations made thereunder.

25. (1) The accounts of the Council shall be audited before such date and at such intervals and in such manner, as may be prescribed.

Accounts and audit.

(2) The accounts of the Council shall be audited by the registered Chartered Accountant. The audit fee of the Chartered Accountant shall be determined by the regulations.

CHAPTER VIII

REGISTRATION AND STATE REGISTER.

26. (1) As soon as may be, after the commencement of this Act, the Registrar shall prepare and maintain a State Register of paramedical practitioners for the State, in accordance with the provisions of this Act.

Registration and State Register.

(2) Every person who possesses any of the recognized paramedical qualifications, specified in the Schedule and who desires to practice as paramedical practitioner shall, on making such application to the Registrar alongwith the proof of such qualification and on payment of such fee as may be prescribed, be entitled to have his name entered in the State Register. Such registration shall be valid for a period of five years and it shall be incumbent duty of the registered person to get his registration renewed in the manner determined by the regulations.

(3) The Council shall cause to be maintained the State Register of the paramedical practitioners in such form as may be determined by regulations.

1 of 1872. (4) The State Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872.

Power of Council to prohibit entry and removal of name from State Register.

27. The Council may, upon a reference from the Registrar or otherwise, by order, prohibit the entry in or, order the removal from the State Register, the name of any person,—

(a) who has been convicted by a criminal court for an offence which involves moral turpitude ; or

(b) whose conduct, in the opinion of the Council, is infamous in relation to the profession, particularly under any Code of Ethics framed by the Council :

Provided that, no order shall be passed under this section without giving a reasonable opportunity of being heard to the person concerned.

Alteration of State Register.

28. (1) The Council may, after giving the person concerned a reasonable opportunity of being heard and enquiring into his objections, if any, order that any entry in the State Register which, in the opinion of the Council, has been fraudulently or incorrectly made or brought about, be cancelled or amended.

(2) The Council may direct the removal forever, or for a specified period from the State Register, the name of any registered paramedical practitioner for the same reason for which registration may be prohibited by the Council under section 27.

(3) The Council may direct that the name removed under subsection (2) shall be restored, subject to such conditions, if any, which the Council may deem fit to impose.

Procedure in inquiries.

29. (1) In holding of any inquiry under this section, the Council shall have the powers as vested in Civil Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath;

(b) compelling the production of documents;

(c) issuing of commissions for the examination of witnesses.

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

(3) For the purpose of advising the Council on any question of law arising in any inquiry under this section, there may in all such inquiries be an assessor, who has been for not less than ten years,—

(i) an Advocate enrolled under the Advocates Act, 1961; or

(ii) an Attorney of a High Court.

Explanation.—For the purposes of this clause, in computing the period during which a person has been enrolled as an Advocate, there shall be included any period during which he has been enrolled as an Advocate under the Indian Bar Councils Act, 1926.

5 of
1908.

45 of
1860.

25 of
1961.

38 of
1926.

(4) Where an assessor advises the Council on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party or person representing the party, to the inquiry who appears thereat or, if the evidence is tendered after the Council has begun to deliberate as to its findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed if in any case the Council does not accept the advice of the assessor on any such question, as aforesaid.

(5) Any assessor under this section may be appointed either generally, or for any particular inquiry or class of inquiries, and shall be paid such remuneration as may be determined by regulations.

30. Any person,—

(a) whose application for enrollment in the State Register is rejected under section 26 or 28;

(b) whose entry in the State Register is prohibited under section 27; or

(c) whose name, from the State Register is removed,

may, within ninety days of order of rejection, prohibition or removal, as the case may be, appeal to the Government in such manner as may be prescribed and the decision of the Government thereon shall be final.

Appeal
against
order of
Council.

CHAPTER IX

OFFENCES AND PENALTIES.

31. (1) No person other than a registered paramedical practitioner whose name is entered in the State Register prepared and maintained under this Act shall practice as a paramedical practitioner.

Prohibition
of practice
except as
provided in
this Act.

(2) Any person who contravenes the provisions of sub-section (1) shall on conviction, be punished,—

(a) for the first offence, with imprisonment for a term which may extend to three years and with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees; and

(b) for a second or subsequent offence, with imprisonment for a term which may extend to ten years and with fine which may extend to twenty-five thousand rupees.

(3) All offences under sub-section (2) shall be cognizable and non-bailable.

32. If any person not being a registered paramedical practitioner takes or uses the description of paramedical practitioner or consultant or is not possessing a recognized paramedical qualification, or uses a degree or a diploma, or an abbreviation indicating or implying such paramedical qualification, shall, on conviction, be punished,—

Misuse of
title.

(a) for the first offence, with fine which may extend to five thousand rupees; and

(b) for a subsequent offence, with imprisonment which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

Failure to surrender certificate of registration. **33.** If any person whose name has been removed from the State Register fails, without sufficient cause, forthwith to surrender his certificate of registration or renewed certificate of registration, or both, he shall, on conviction, be punished with fine which may extend to five hundred rupees per month of such failure.

Penalty for dishonest use of certificate. **34.** Any person who,—
 (a) dishonestly makes use of any certificate of registration granted under this Act; or
 (b) procures or attempts to procure registration under the provisions of this Act by making or producing, or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise; or
 (c) willfully makes or causes to be made any false representation in any manner relating to the certificate of registration issued under the provisions of this Act,
 shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees, or with both.

CHAPTER X

MISCELLANEOUS.

Cognizance of offences. **35.** (1) No court shall take cognizance of an offence punishable under this Act, except upon a complaint, in writing, made by the Registrar or any other officer authorized by the Council in this behalf, by general or special order.

(2) No court lower to that of a Judicial Magistrate of First Class shall try any offence punishable under this Act.

Information furnished by Council. **36.** The Council shall forward such reports, copies of its minutes, abstracts of its accounts and other information to the Government, as the Government may require.

Power to amend Schedule. **37.** If it appears to the Government, on the reports of the Council or otherwise, that any paramedical subject is not specified or any paramedical subject needs to be deleted or needs some modification, the Government may, by notification in the *Official Gazette*, amend the Schedule so as to include therein such subject not already specified therein or omit therefrom any subject or modify the description of any subject.

Control by Government. **38.** (1) If at any time, it appears to the Government that the Council or its President or Vice-President has failed to exercise or has exceeded or misused any of the powers conferred upon it or him by or under this

Act, or has ceased to perform any of the duties imposed upon it or him by or under this Act, the Government may, if it considers such failure, excess, misuse or incapacity to be of a serious nature, notify the particulars thereof to the Council or the President or the Vice-President, as the case may be. If the Council or the President or the Vice-President fails to remedy such failure, excess, misuse or incapacity within such reasonable time as the State Government may fix in this behalf, the Government may remove the President, Vice-President or dissolve the Council.

(2) Upon the dissolution of the Council,—

(a) all the members of the Council shall, notwithstanding that their term of office had not expired on the date of dissolution, vacate their offices ;

(b) all the powers and duties of the Council which may, by or under the provisions of this Act, be exercised and performed by or on behalf of the Council shall be exercised and performed by such person or group of persons as the Government may direct, for such period not exceeding two years as it may think fit. The Government shall take steps to constitute a new Council in the manner provided ;

(c) all the properties vested in the Council shall, during the period of dissolution, vest in the Government.

39. No suit, prosecution or other legal proceeding shall lie against the Government, Council, President, Vice-President, member or any officer or other employee of the Council or of the Government for anything which is done or intended to be done in good faith under this Act.

Protection of action taken in good faith.

40. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, 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 in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall from the date of publication of such decision in the *Official Gazette*, 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 or omitted to be done under that rule.

Power to
make
regulations.

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

(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) the management of the property of the Council and the maintenance and audit of its account;

(b) the resignation by nominated or elected members of the Council;

(c) the powers and duties of the President and Vice-President;

(d) the mode of appointment of committees, the summoning and holding of meetings and the conduct of business of such committees;

(e) (i) the manner to hear and decide appeals from the decision of the Registrar under clause (c) of sub-section (2) of section 19;

(ii) the Code of Ethics for regulating the professional conduct under clause (d) of sub-section (2) of section 19;

(f) the manner of revision of the State Register under sub-section (1) of section 22;

(g) the manner of renewal of registration under sub-section (2) of section 26;

(h) any other matter for which provisions may be made by regulations.

(3) The Government, on receiving regulations for sanction, may sanction them subject to such modification as it may think fit or return them to the Council for reconsideration.

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

Power to
remove
difficulties.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order, published in the *Official Gazette*, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

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

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Schedule

[See sections 20(4), 26 (2) and 37]

Sr. No. (1)	Name of Course (2)	
1.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Laboratory Technician).
2.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Radiographic Technician).
3.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Radiotherapy Technician).
4.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Cardiology Technician).
5.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Neurology Technician).
6.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Blood Transfusion Technician).
7.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Optometry Technician).
8.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Plaster Technician).
9.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Anaesthesia Technician).
10.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Perfusionist).
11.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Operation Theatre Technician).
12.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Medical Transcription).
13.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Cyto-Technician).
14.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Histopathology Technician).
15.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Transfusion Medicine Technician).
16.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Clinical Psychologist).
17.	B.P.M.T. ... Bachelor of Paramedical Technology—	(Endoscopy Technician).

Schedule—(Concl.d.)

(1)	(2)
18.	B.P.M.T. ... Bachelor of Paramedical Technology— (Community Medicine).
19.	B.P.M.T. ... Bachelor of Paramedical Technology— (Health Inspector).
20.	B.P.M.T. ... Bachelor of Paramedical Technology— (Emergency).
21.	B.P.M.T. ... Bachelor of Paramedical Technology— (Forensic Science).
22.	Diploma in Courses referred to in entries at Sr. Nos. 1 to 21 above.



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ३८(२)]

बुधवार, मे ३, २०१७/वैशाख १३, शके १९३९

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक ७९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Paramedical Council (Amendment) Act, 2017 (Mah. Act No. XXXVI of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,

Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXXVI of 2017.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 3rd May 2017.)

An Act to amend the Maharashtra Paramedical Council Act, 2011.

WHEREAS it is expedient to amend the Maharashtra Paramedical Council Act, 2011, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Paramedical Council (Amendment) Act, 2017.

Short title and commencement.

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

- Amendment of long title of Mah. VI of 2016. **2.** In the long title of the Maharashtra Paramedical Council Act, 2011 (hereinafter referred to as “ the principal Act ”), for the words “ paramedical practitioners ” the words “ paramedical practicing personnel ” shall be substituted. Mah. VI of 2016.
- Amendment of preamble of Mah. VI of 2016. **3.** In the preamble to the principal Act, for the words “ paramedical practitioners ” the words “ paramedical practicing personnel ” shall be substituted.
- Amendment of section 2 of Mah. VI of 2016. **4.** In section 2 of the principal Act,—
 (a) after clause (c), the following clause shall be inserted, namely :—
 “ (c-a) “ paramedical practicing personnel ” means the person engaged in the provision of services ancillary to or required as assistance in the teaching or practice or both of the modern scientific medicine or *Ayurvedic* system or Unani system or Homeopathic system of medicine, as their principal occupation ; ”;
 (b) for clause (i), the following clause shall be substituted, namely :—
 “ (i) “ registered paramedical practicing personnel ” means the paramedical practicing personnel registered under section 26 ; ”.
- Amendment of section 4 of Mah. VI of 2016. **5.** In section 4 of the principal Act, in sub-section (1),—
 (a) after clause (v), the following clause shall be inserted, namely :—
 “ (v-a) The President of the Maharashtra Council of Indian Medicine, *ex-officio* member; ”;
 (b) in clause (vii), for the words “ paramedical practitioners ” the words “ paramedical practicing personnel ” shall be substituted.
- Amendment of section 19 of Mah. VI of 2016. **6.** In section 19 of the principal Act, in sub-section (2),—
 (a) in clause (d), for the words “ paramedical practitioners ” the words “paramedical practicing personnel” shall be substituted ;
 (b) in clause (e), for the words “ paramedical practitioner ” the words “paramedical practicing personnel ” shall be substituted.
- Amendment of section 22 of Mah. VI of 2016. **7.** In section 22 of the principal Act,—
 (a) in sub-section (3), for the words “ paramedical practitioners ” the words “ paramedical practicing personnel ” shall be substituted ;
 (b) in sub-section (4), for the words “ paramedical practitioners ”, at both the places where they occur, the words “ paramedical practicing personnel ” shall be substituted ;
 (c) in sub-section (5), for the words “ paramedical practitioner ” the words “ paramedical practicing personnel ” shall be substituted.
- Amendment of section 26 of Mah. VI of 2016. **8.** In section 26 of the principal Act,—
 (a) in sub-section (1), for the words “ paramedical practitioners ” the words “ paramedical practicing personnel ” shall be substituted ;
 (b) in sub-section (2), for the words “ paramedical practititoner ” the words “ paramedical practicing personnel ” shall be substituted ;

(c) in sub-section (3), for the words “paramedical practitioner” the words “paramedical practicing personnel” shall be substituted.

9. In section 28 of the principal Act, in sub-section (2), for the words “paramedical practitioner” the words “paramedical practicing personnel” shall be substituted. Amendment of section 28 of Mah. VI of 2016.

10. In section 31 of the principal Act, in sub-section (1), for the words “paramedical practitioner”, at both the places where they occur, the words “paramedical practicing personnel” shall be substituted. Amendment of section 31 of Mah. VI of 2016.

11. In section 32 of the principal Act, for the words “paramedical practitioner”, at both the places where they occur, the words “paramedical practicing personnel” shall be substituted. Amendment of section 32 of Mah. VI of 2016.