



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक २४]

बुधवार, मार्च २२, २०१७/चैत्र १, शके १९३९

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असाधारण क्रमांक ४५

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) Bill, 2017 (L. A. Bill No. IX of 2017), introduced in the Maharashtra Legislative Assembly on the 22nd March 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 (Legislation) to Government,  
Law and Judiciary Department.

### L. A. BILL No. IX OF 2017.

#### A BILL

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

Mah. VI of 2016. 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.

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

Short title and commencement.

- 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.

## STATEMENT OF OBJECTS AND REASONS.

The Maharashtra Paramedical Council Bill, 2011, after it has been passed by both Houses of the State Legislature, received the assent of the President on the 12th January 2016. The said Bill has now been published as Maharashtra Act No. VI of 2016.

While the said Bill was presented for the consideration and assent of the President, the Union Ministry of Home Affairs suggested certain amendments in the provisions of the Bill. The State Government has agreed to the incorporation of the said amendments suggested to the Bill and assured the Central Government that the Bill in this behalf would be implemented, as an Act of the State Legislature, after incorporation of the amendments.

2. Accordingly it is considered expedient to amend the said Maharashtra Act No. VI of 2016.

3. The salient features of the proposed amendments are as under :—

(i) *Amendment of section 2.*— Clause (i) of section 2 provides for the definition of the “registered paramedical practitioner”. The said definition does not seem appropriate as it gives an impression that the paramedical qualification holders are likely to be treated as practitioners like doctors. This is likely lead to legal implications in the matters of clinical practice and rights. It is, therefore, proposed to provide for the definitions of “paramedical practising personnel” and the “registered paramedical practising personnel” by amending the said section 2, suitably.

(ii) *Amendment of section 4.*— It is proposed to provide that the President of the Maharashtra Council of Indian Medicine shall be *ex-officio* member of the Maharashtra Paramedical Council.

(iii) *Amendment of sections 19, 22, 26, 28, 31 and 32.*— Consequent to the amendment of section 2, it is proposed to amend the said sections, suitably.

4. It is proposed to implement the said Maharashtra Act No. VI of 2016, after incorporation of the amendments proposed herein.

5. The Bill seeks to achieve the above objectives.

Mumbai,  
Dated the 16th March 2017.

GIRISH MAHAJAN,  
Minister for Medical Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

*Clause 1(2).*—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.