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 (Deparment 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 eqivalent 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 emloyees 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 Personnnel 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 From appended to these regulations and shall agree to abide by the same.

5. Amendment in registration certificate.—*(1)* No professional shall either himself or thorugh 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 sahll 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-Secertary, 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 ill-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* consideratation 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

Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054 — 1998