

DRAFT PROPOSED BILL

FOR A

MAHARASHTRA COUNCIL FOR PROFESSIONAL SOCIAL WORK

(Please send your feedback to the Convener of the Steering Committee at gaurm@vsnl.com)

Background

At a Workshop on “Opportunities Lost and Found in Social Work”, organised by the Bombay Association of Trained Social Workers, in collaboration with the Maharashtra Association of Social Work Educators, in November 2000, a need was identified for a Maharashtra Council for Professional Social Work. A Steering Committee was then formed of members of both the associations to work on the draft bill, which can then be discussed at a larger forum of professional social workers of Maharashtra. The revised bill may be submitted to the Government of Maharashtra. The Committee examined the Bill for a National Council for Professional Social Work and adapted it for Maharashtra, with some changes, as attached.

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FOR PROFESSIONAL SOCIAL WORK**

PREAMBLE

Education for social work began in Maharashtra in the mid-thirties with the establishment of the Sir Dorabji Tata Graduate School of Social Work at Bombay (now known as the Tata Institute of Social Sciences). During the past six decades, the number of professional social work educational institutions, within the university system, has multiplied. Maharashtra has the unique situation of having 56 institutions of social work education, almost half of the total number of institutions in India, which is 120. The emerging social realities call for services and action for social change in the area of social development, welfare and crisis intervention which require professionally qualified human power, with specialised knowledge and skills. The effectiveness of social initiatives for development, social welfare and social action for change, through enabling the vulnerable sections of the society, to participate fully in the overall development of the country is, thus, linked with quality of human power employed in the development and welfare institutions, both governmental and non-governmental, and also in the people-oriented community-based programmes and services.

It is in this context, and in order to upgrade and enhance the quality of professional education and practice, in Maharashtra, and also to make the profession more accountable to the public, that the proposed Bill on The Maharashtra Council of Professional Social Work has been drafted. It is a Bill to provide for the constitution of the Maharashtra Council of Professional Social Work in the state for the coordination and development of professional social work education and practice and for matters connected herewith or incidental thereto.

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Chapter I

PRELIMINARY

1. The Act

- (a) This Act may be called the Maharashtra Council of Professional Social Work Act
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- (b) It shall come into force on such date as the Government of Maharashtra may, by notification in Official Gazette, appoint.

2. Definitions

- (a) In this Act, unless the context otherwise requires:
1. 'Council' means the Maharashtra Council of Professional Social Work constituted under Section 3 of the Act.
 2. 'Chairperson' means the Chairperson of the Council.
 3. 'Vice-Chairperson' means the Vice-Chairperson of the Council.
 4. 'Professional Social Work' means social work practice which follows social work education, with at least a Bachelor's or a Master's degree in social work.
 5. 'Prescribed social work qualifications' mean at least a Bachelor's or a Master's degree in social work from an institution of social work education.
 6. 'Institution of social work education' means an institution of higher education, an affiliated college, or a department, or a faculty of a University, or a deemed university, that provides a Bachelor's or a Master's programme in social work.
 7. 'Field Practicum' means the prescribed supervised instructional component of professional training in social work practice through suitable field placement.
 8. 'Professional Social Worker' means a person who holds the prescribed social work qualifications.

9. 'Paraprofessional Social Worker' means a person who has undergone social work training other than Bachelor's or Master's degree in social work.
10. 'Social Work Educator' means a person who holds the prescribed social work qualifications and is engaged in teaching and/ or research in a recognised institution of social work education.
11. 'Social Work Practitioner' means a person who holds the prescribed social work qualifications and is engaged in social work practice, and/ or administration.
12. 'Social Work Researcher' is a person who holds the prescribed social work qualifications and is engaged in full time research in social work.
13. 'Member' means member appointed under this Act and includes Chairperson and Vice-Chairperson.
14. 'Member-Secretary' means the Member-Secretary appointed under this Act.
15. 'Prescribed' means prescribed by Rules and regulations.
16. 'Recognised institution' means an institution recognised by the 'Council' under this Act.
17. 'Register' means the State Register of Professional Social Workers maintained under this Act.
18. 'Rules' means Rules made under this Act.
19. 'Regulation' means regulation made under this Act.

(b) 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 provisions of the corresponding law, if any, in force in that area.

Chapter II

ESTABLISHMENT OF THE COUNCIL

3. Establishment of the Council

(a) Constitution of the Council

With effect from such date as the Government of Maharashtra may, by notification, appoint on this behalf, there shall be constituted for the purpose of this Act, a Council to be called the Maharashtra Council of Professional Social Work in Maharashtra.

(b) Power to Acquire Property

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

(c) Composition of the Search Committee

The Search Committee may comprise of two senior social work educators, two senior social work practitioners and a representative of the Government of Maharashtra, not below the rank of a Secretary.

(d) Composition of the Council

1. Chairperson to be appointed by the Department of Social Justice and Empowerment of the Government of Maharashtra, from a panel of names suggested by the Search Committee, from amongst eminent professional social workers and who is not an officer of the Government of Maharashtra.
2. Vice-Chairperson to be appointed by the Government of Maharashtra, from a panel of names suggested by the Search Committee, from amongst eminent professional social workers and who is not an officer of the Government of India or of any State Government.
3. Member-Secretary to be appointed by the Government of Maharashtra from a panel of names suggested by the Search Committee, from amongst eminent professional social workers and who is not an officer of the Government of Maharashtra.

4. Members:

- Three social work educators, by rotation from different regions of the state, from the recognised institutions for social work education.
- Three social work practitioners, by rotation from different regions of the state, representing public, voluntary and corporate sectors.
- One member each to be nominated by the Head of the Western Region Office of the University Grants Commission and the Chairperson of Distance Education Council to represent UGC and the Distance Education Council to represent UGC and the Distance Education Council respectively.
- Two ex-officio members, not below the rank of Joint Secretary to be nominated from among the officers of Government of Maharashtra to represent the Department of Social Justice and (ii) the Ministry of Finance or Financial Advisor of the Department concerned.
- Two ex-officio members to be nominated by the Government of Maharashtra not below the rank of Joint Secretary to represent the Departments of (a) Women and Child Development, Labour, Rural Development, Youth, Health and Family Welfare and Education.
- One member to be nominated by each of the national professional social work associations.
- One member to be nominated by each of the Maharashtra and Mumbai level professional social work associations.

4. Terms of Office and Condition of Service of Members

(a) Terms of Office

A person appointed as Chairperson, Vice-Chairperson, Member-Secretary, or any other Member, after commencement of this Act shall, unless he/she becomes disqualified for continuing as such under the rules that may be made under this Act –

1. in the case of Chairperson, hold office for a term of three years, or until he/she attains the age of sixty five years, whichever is earlier.
2. in the case of Vice-Chairperson, hold officer for a term of three years or until he/she attains the age of sixty five years, whichever is earlier.

3. in the case of Member-Secretary, hold office for a term of three years or until he/she attains the age of sixty five years, whichever is earlier.
4. in the case of any other nominated members hold office for a term of three years or until he/she attains the age of sixty five years.

(b) Re-Appointment

1. a person who has held office as Chairperson or Vice-Chairperson or Member Secretary shall be eligible for re-appointment as Chairperson, Vice-Chairperson, Member-Secretary or other member, and
 2. a person who has held office as any other member shall be eligible for re-appointment as Chairperson, Vice-Chairperson, Member-Secretary or other member.
- (c) Members of the Council shall hold office for a term of three years from the date of their appointment and they shall not be appointed for more than two terms. One-third members of the first Council shall retire at the end of two years and two-thirds shall continue for the sake of continuity.

(d) Filling of Vacancy

A casual vacancy in the Council shall be filled in accordance with the provision 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/she was appointed would have held that office.

(e) Power to Co-opt

1. The Council may co-opt, in such a manner and for such purposes as may be determined by the regulations, not more than three persons, whose assistance or advice it may desire in carrying out any of the provisions of this Act.
2. The person co-opted by the Council under sub-section (I) for any persons, whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(f) Appointment of Officers and other Employees of the Council

1. For the purpose of enabling the Council to discharge its functions efficiently under this Act, the Council shall, subject to such regulations as may be made in this behalf, appoint (whether on deputation or otherwise), such number of officers and other employees as it may consider necessary. Provided that the category of posts equivalent to Group 'A' posts in the Government, shall be subject to the approval of the Government.

2. Every officer and decisions of the Council shall be subject to such conditions of service as may be determined by regulations.

(g) Election of Acting Chairperson

The Chairperson and Vice-Chairperson, if for any reason, are unable to attend the meeting of the Council, a senior social work educator, elected by the members present at the meeting, from amongst themselves, shall preside in his/her absence.

(h) Decision Making

All questions which come before any meeting of the Council shall be decided by a simple majority of votes of the members present and voting and in the event of any equality of votes, the Chairperson or in his/her absence, the person presiding shall have a casting vote.

5. Disqualification

No person shall be a member of the Council if he/ she

1. is, or becomes of unsound mind or is so declared by a competent court of law; or
2. is or has been convicted for any offence which in the opinion of the Government of Maharashtra involves moral turpitude; or
3. is or at any time has been adjudicated as insolvent.
4. has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
5. has in the opinion of the Government of Maharashtra such financial and other interest in the Council as is likely to effect prejudicially the discharge by him/ her of his/ her functions as a Member.

6. Vacation of Office by Members

The Central Government shall remove a Member if he/ she

- 1 becomes subject to any of the disqualification mentioned in Section 5, or
2. is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council, or
3. ceases to be enrolled on the State Register of Social Work Professionals.

7. Executive Committee and Other Committees

- (a) The Executive Committee shall consist of the Chairperson and Vice-Chairperson and not less than 6 and not more than 10 members and shall be nominated by the Council from amongst the members, two-third of whom shall be social work professionals.
 - (b) The Chairperson of the Council shall be the Chairperson of the Executive Committee.
 - (c) The Member-Secretary of the Council shall be the Member-Secretary of the Executive Committee.
 - (d) The Council shall establish the following Committees, and such others as may be necessary, to carry out the functions assigned to it and shall, if necessary, also co-opt members other than its own on these Committees to facilitate the work.
 - 1. Committee on Accreditation of Social work Education and Teacher Training
 - 2. Committee on Curriculum Development.
 - 3. Committee on Accreditation of Social Work Practice and Continuing Education
 - 4. Committee on Code of Ethics
 - 5. Grievance Redressal Committee
- (a) 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. Pay and Allowances

The Council shall, with the previous sanction of the Government of Maharashtra, fix the allowances to be paid to the Chairperson, Vice-Chairperson, Member-Secretary and other members and determine the conditions of service by rules.

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.

Chapter III

MEETINGS OF THE COUNCIL

9. Meetings

- (a) The Council shall meet at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum) as may be provided by regulations:

Provided that the Council shall meet at least once every year:

- (b) The Chairperson, and in the absence of the Chairperson the Vice-Chairperson, shall preside at the meetings of the Council.
- (c) If for any reason the Chairperson and Vice-Chairperson, both are unable to attend any meeting of the Council, any other member chosen by the Member present at the meeting shall preside at the meeting.
- (d) 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 any equality of votes, the Chairperson or in the absence of the Chairperson, the person presiding shall have and exercise a second or casting vote.

Chapter IV

FUNCTIONS OF THE COUNCIL

10. Functions

It shall be the general function of the Council to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion, maintenance of standards of education, co-ordination of social work education, training, research and practice. For the purpose of performing its functions under this Act, the Council shall:

- (a) Lay down guidelines in respect of minimum qualifications for a person to be employed as a social work professional;
- (b) Maintain a register of recognised institutions of social work education and Individual professional social workers, which need to be renewed every five years;
- (c) Make recommendations to the Council and the Maharashtra Government, University Grants Commission and recognised institutions in the matter of suitable policies, plans, and programmes concerning the development of professional social work education and practice;
- (d) Co-ordinate and monitor social work education and practice and promote its development in the country;
- (e) Undertake surveys and studies relating to various aspects of social work education, training and practice and disseminate results thereof;
- (f) Lay down guidelines for granting recognition to the institution as well as existing courses and for starting new courses for education and training, including the minimum eligibility criteria for admission and for providing physical and instructional facilities, staffing pattern and staff qualifications;
- (g) Promote innovation in social work teaching, training, research and practice and disseminate the results thereof.
- (h) Evolve suitable performance appraisal system, norms, and mechanism and further to examine and review periodically the implementation of the norms, guidelines and standards laid down by the Council;
- (i) Take all necessary steps to prevent commercialisation of social work education and practice.

- (j) Assess the professional social work human power needs in the state including identification of positions to be filled by social work professionals only and those positions where social work could also be one of the professions.
- (k) Promote the production of indigenous literature and teaching aids in English and Marathi
- (l) Collect and disburse financial assistance to recognised social work institutions from the Funds of the Council for special and suitable programmes, not funded by the UGC
- (m) Promote interaction between professional social work and allied disciplines/professions in the area of teaching, training, research and practice;
- (n) Undertake and/ or promote programmes of faculty development, preparation of teaching aids and field action projects;
- (o) Act as a clearing house for social work education and practice in the state and liaise with national and international organisations with similar functions;
- (p) Hold periodic consultation with the Government of India, National Commissions/ Councils which have a bearing on professional social work and international professional associations and the UN system:
- (q) Take steps for advocacy and promotion of the profession of social work;
- (r) Adopt a Code of Ethics and a Code of Conduct for social work educators, researchers and practitioners; and mechanisms for their enforcement. Perform such other functions as the Council may deem fit from time to time.

Chapter V

RECOGNITION AND REGISTRATION

11. Minimum Standards of Social Work Education and Practice

- (a) The Council shall prescribe the minimum standards of social work education and practice shall advise the UGC for specification of degrees in professional social work for purposes of section 22(3) of the UGC Act, 1956.
- (b) The Council shall advise the UGC for specification of degrees in professional

social work for purposes of Section 22(3) of the UGC Act, 1956.

- (c) The Council may enter into negotiations with the authority in any country outside India, or set up a scheme of reciprocity for the recognition of qualifications and, in pursuance by notification on the recommendations of the Council, amend the schedule so as to include therein any qualification which the Council by 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.

12. Information on Courses and Examinations

- (a) Every University (including colleges) or Institution in Maharashtra, which grants a recognised qualification in professional social work, shall furnish such information as the Council may, from time to time, require as to the courses of study, training and examination to be undergone in order to obtain such qualifications, as to the ages at which such courses of study and such qualifications are conferred and generally, as to the requisites for obtaining such qualifications.
- (b) The Council shall appoint such number of Expert Committees, as it may deem necessary, to visit any university or institution, referred to in Section 13(1) above.
- (c) The Council shall appoint Expert Committees to visit any university or institutions which wish to grant or confer university pre-degree diploma or certificate in para-professional social work for purposes of recommending to the Government of Maharashtra, for recognition of such qualifications diplomas or certificates as recognised social work qualifications.
- (d) The Expert Committee, appointed under sub-section 12(2), shall not interfere with the conduct of any training or examination but shall report to the Council on the adequacy, or otherwise, of the standards of education including the

staff, equipment, accommodation, training and facilities.

- (e) When, upon report by the Expert Committee, it appears to the Council (a) that the courses of study and examination to be undergone in, or the proficiency required from the candidates at any examination held by any university or institution, or (b) that the staff, equipment, accommodation, training and other infrastructural facilities for the instruction and training provided in such university or institution do not conform to the prescribed standards, the Council shall make a representation to the concerned authority as it may deem fit for the withdrawal of recognition.

13. Minimum Standards for Enrolment as Professional Social Worker

- (a) The Council shall prescribe the minimum standards for enrolment as Social Work Professional by its Regulations.
- (b) Every person, whose name is borne on the Register, shall be entitled to work as Social Work Educator or practice Social Work in any part of Maharashtra.
- (c) No person other than the Social Work Professional, who possesses a recognised social work qualification, and is enrolled on the Register:
1. shall hold office as social work professional or any such office (by whatever designation called in Government or in any institutions maintained by a local or other authority),
 2. shall practice as Social Work Professional anywhere in Maharashtra,
 3. shall be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by Social Work Professional.
 4. shall be entitled to give evidence in any court as an expert under Section (45) of the Indian Evidence Act, 1972, on any matter relating to professional social work. provide that if a person possesses the recognised professional qualifications on the date of commencement of this Act, he/she shall be deemed to be an enrolled Social Work Professional for a period of six months from such commencement, and if the person has made an application for

enrolment on the Register within such period of six months, till such application is disposed off,

5. Contravention and penalty

Any person who acts in contravention of any provision of sub-sections 14(3), (a), (b), (c) and (d) shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to Rs. 1,00,000/- or both.

14. Code of Ethics

1. The Council shall prescribe standards of professional conduct and a code of ethics for social work professionals by Regulations,
2. Every person whose name is borne on the Register of the Council shall be bound by the code of ethics and its infringement shall attract the provisions under this Act.

Chapter VI

POWER TO MAKE RULES AND REGULATIONS

15. **Power to Make Rules**

The Chairperson, Vice-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.

- (a) The Government of Maharashtra may, by notification in the official Gazette, make rules to carry out the purposes of this Act.
- (b) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:
 1. Terms and conditions of service of the members of the Council;

2. Procedure for retirement of members;
3. Disqualification of continuing as a member of the Council;
4. Terms and conditions of service of the employees;
5. Returns and information which are to be furnished by the universities;
6. Form and manner in which the budget and reports are to be prepared by the Council;
7. Manner in which the accounts of the Council are to be maintained;
8. Form and manner in which return or other information are to be furnished by the Council to the Central Government.
9. Amendments to the Act;
10. Any other matter which has to be, or may be prescribed.

16. Power to Make Regulations

The Council may, with the previous sanction of the Government of Maharashtra by notification in the official Gazette, make regulations consistent with this Act and the rules made there under –

1. Management of the property of the Council;
2. Functions of the Executive Committee and other Committees of the Council constituted under this Act;
3. Courses and period of education and training to be undertaken, the subjects of examinations and standards of proficiency therein to be obtained in any university or any institution for grant of recognised Social Work Qualification;
4. Standards of staff, equipment, accommodation, training and other facilities for study or training of the Social Work Professionals;
5. Conduct of examination, qualifications of examiners and

6. Standards of professional conduct and code of ethics to be observed by social work professionals;
7. Particulars to be stated, and proof of qualifications to be given, in application for registration under this Act.
8. Any other matter which is to be, or may be prescribed.

Chapter VII

FINANCE AND REPORTS

17. Council Fund and Budget

- (a) The Council shall have its own Fund; and all sums which may, from time to time, be paid to it by the Maharashtra Government or any other Agency and all receipts of the Council shall be carried to the Fund and all payments by the Council shall be made therefrom.
- (b) Appropriate fees shall be charged for registration of individual social workers and for recognition of institutions for social work education.
- (c) Donations can be received from corporate houses/ corporations and or individual donors to promote the programmes of the Council.
- (d) The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Government of Maharashtra.

18. Annual Reports

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

19. Accounts and Audit

- (a) The Council shall cause to be maintained such books of account and other

books in relation to its account in such form and in such manner as may, in consultation with the Comptroller and Auditor General of India, be prescribed.

- (b) The accounts of the Council shall be audited by the Comptroller and Auditor General at such times and in such manner as he/ she thinks fit.

20. Returns

The Council shall furnish to the Government of Maharashtra such returns or other information with respect to its property or activities as the Government may, from time to time, require.

Chapter VIII

MISCELLANEOUS PROVISION

21. Delegation of Powers and Functions

The Council may, by general or special order in writing, delegate to the Chairperson or to any other member or to any officer of the Regional Committee, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to make regulations under Section 32), as it may deem necessary.