

**NATIONAL COUNCIL OF
PROFESSIONAL SOCIAL WORK IN INDIA BILL 1993**

(Please Send Your Feedback to the Ad Hoc Committee of National Council of
Professional Social Work at ritap@vsnl.com)

The University Grants Commission had appointed the Second Review Committee on Social Work Education in 1978 which submitted its recommendations to the UGC. One of the important decisions of this Committee was to establish a National Council on Social Work Education for the promotion and development of Social Work Education in India. As this decision required action to be taken by the Ministry of Welfare, the Ministry constituted a working Group to deliberate on the matter and to prepare the draft Bill for the establishment of the Council. The draft Bill prepared by the Working Group, was referred by the Ministry of Welfare to the Ministry of Human Resource Development for comments to the UGC.

A sub-committee was then constituted by the UGC consisting of Prof. P.K. Sen, Prof. A S Nigavekar and Prof. D P Singh to look into the Draft Bill. The sub-committee, which met twice, felt that there is no need to set up such a Council for professional social work as most of the functions of the proposed Council are already being carried out by the UGC. The recommendations of the sub-committee were placed before the Commission at its meeting held on January 11, 1995, and the Commission agreed with the recommendation made by the sub-committee. However, at the Commission's meeting held on February 14, 1995, the Chairperson, UGC, expressed the need for the UGC Panel on Social Work Education to consider their views regarding the setting up of the National Council of Social Work by the Government of India as it appeared that the sub-committee did not have all the facts before it when it considered the draft Bill. It was then decided that the members of the Sub-Committee would meet the Chairperson and the Panel to re-discuss the Bill. It was further decided that the final outcome of their joint discussions would be placed before the Commission once again for consideration.

A joint meeting between the erstwhile sub-committee of panel members, consisting of Prof. R R Singh, Delhi University, Prof. N.A. Gokarn, TISS, Mumbai and Mrs. Farida Lambay, Nirmala Niketan, Mumbai was held on 4th May 1995. At this meeting, it was clarified that the erstwhile Sub-Committee had examined various provisions of the proposed Bill clause by clause without having the benefit of the earlier work done by the UGC panel on Social work Education. The erstwhile sub-Committee had, therefore, only looked at the Draft Bill vis-à-vis the UGC Act. It was pointed out that the UGC itself had made the recommendation to the Government of India to set up such a Council on the basis of the 2nd Review UGC Committee Report on Social Work Education. It was also pointed out that certain sections of the proposed Bill may be modified which overlap with the responsibilities which have been assigned to the Commission. It was, therefore, decided that overlapping provisions may be reviewed and amended to facilitate the UGC

National Workshop on National Council of Professional Social Work In India,

Delhi School Of Social Work University Of Delhi, 26 March 2008

to undertake its functions in close collaboration with the proposed council It was further decided that the following Sub-Committee may review the issue and make recommendations in the proposed bill:

The newly appointed sub-committee met among themselves and also with members of the erstwhile sub-committee and finalised the Draft Bill for setting up the Council (**Annexure**). The Ministry of Welfare is pressing for the Bill and reminders have also been received from the Ministry of Human Resource Development.

DRAFT PREAMBLE TO THE BILL

Education for social work began in India 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. 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, social action, and to begin a process of change through enabling the vulnerable sections of the society to participate fully in the overall development of the country is, thus, linked with the quality of human power employed in the development and welfare institutions, both governmental and non-governmental, and also in the people-oriented community-based social movements and services.

It is in this context, and in order to upgrade and enhance the quality of professional education and practice, and also to make the profession more accountable to the public, that the proposed Bill on the National Council of Professional Social Work in India has been drafted.

NATIONAL COUNCIL OF PROFESSIONAL SOCIAL WORK IN

INDIA BILL 1993

Bill to provide for the constitution of the National Council of professional Social Work in India for the coordination and development of professional social work education and practice and for matters connected herewith or incidental thereto.

Be it enacted in the Parliament in the _____year of the Republic of India as follows :

CHAPTER I

PRELIMINARY

The Act

1. (a) This Act may be called the National Council of Professional Social Work in India Act _____

National Workshop on National Council of Professional Social Work In India,

Delhi School Of Social Work University Of Delhi, 26 March 2008

- (b) It shall come into force on such date as the Government of India may, by notification in Official Gazette, appoint.

Definations :

- (a) In this Act, unless the context otherwise requires:
- (i) 'Council' means the National Council of Professional Social Work constituted under Section 3 of the Act.
 - (ii) 'Chairperson' means the Chairperson of the Council.
 - (iii) 'Vice-Chairperson' means the Vice-Chairperson of the Council.
 - (iv) 'Professional Social Work' means a form of practice which follows acknowledged methods of social work carried out by professional social workers.
 - (v) 'Field Work' means the prescribed supervised instructional component of professional training through suitable field placement.
 - (vi) 'Social Work Professional' means a person who has undergone prescribed courses of study and field work in social work and has passed the examination from a recognised institution at the undergraduate and/or post-graduate level.
 - (vii) 'Paraprofessional' means a person who holds qualifications other than Bachelor's or Master's degree in social work.
 - (viii) 'Social Work Educator' means a person who holds a prescribed social work qualification and no is or has been engaged in teaching and research on a permanent and full time basis in a recognised social work institution.
 - (ix) 'Social Work Practitioner' means a person who holds a prescribed social work qualification and who is engaged in professional social work practice.
 - (x) 'Social Work Researcher' is a person who holds a prescribed qualification in social work and is engaged in full time research in social work.
 - (xi) 'Member' means member pointed under this Act and includes Chairperson and Vice-Chairperson.
 - (xii) 'Member-Secretary' means the Member-Secretary appointed under this Act. the official Gazette.
 - (xiv) 'Prescribed' means prescribed by rules and regulations.
 - (xv) 'Recognised social work qualifications' means any of the qualifications prescribed by the regulations.
 - (xvi) 'Recognised institution' means an institution recognised by the 'Council' under this Act.

(xvi)'Register' means the National Register of Social Work Professional maintained under this Act.

(xvii)'Rules' means rules made under this Act.

(xix)'Regulation' means regulation made under this Act.

2. (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. (a) Constitution of the Council

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

3. (b) Power of 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 the sued.

3. (c) The Council shall consist of the following members, namely :

Appointment of Chairperson

(i) Chairperson to be appointed by the Government of India, from a panel of names suggested by the Search Committee, from amongst eminent professional social work educators and who is not an officer of the government of India or any State Government.

Appointment of Vice-Chairperson

(ii) Vice-Chairperson to be appointed by the Government of India, from a panel of names suggested by the Search Committee, from amongst eminent professional social work educators and who is not an officer of the Government of India or of any State Government.

Appointment of Member Secretary

(iii) Member-Secretary to be appointed by the Government of India from a panel of names suggested by the Search Committee, from amongst eminent professional social work educators, and who is not an officer of the Government of India or any State Government.

Appointment of Members

National Workshop on National Council of Professional Social Work In India,

Delhi School Of Social Work University Of Delhi, 26 March 2008

- (iv) Eight social work educators by rotation from the recognised institutions for Social work Education from different regions.
- (v) One member each to be nominated by the Chairperson, University Grants commission and the Chairperson of distance Education Council to represent UGC and the Distance Education Council respectively.
- (vi) To ex-officio members, not below the rank of Joint Secretary to be nominated from among the officers of the Central Government to represent (i) the Ministry/Department of Welfare and (ii) the Ministry of Finance or Financial Advisor of the department concerned.
- (vii) Two ex-officio members to be nominated by the Central Government not below the rank of Joint Secretary to represent the Department of (a) Women and Child Development, (b) Labour and Rural Development, (c) Youth, Health and Family Welfare of the Central Government.
- (viii) Four members to be nominated to represent the State Governments and Union Territories from the Departments of Social Welfare or allied departments by rotation, to be specified by Rules.
- (ix) One member to be nominated by the Association of Schools of Social Work in India.
- (x) One member to be nominated by the Indian Association of Trained Social Workers in India.
- (xi) Four members to be nominated by the Government of India from amongst the practicing Social Work Professionals representing public, voluntary and corporate sectors.

TERMS OF OFFICE AND CONDITION OF SERVICE OF MEMBERS

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

Terms of the Chairperson

- (i) 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.

Terms of office of Vice-Chairperson

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

Terms of office of Member-Secretary

- (iii) 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.

Terms of office of Members

- (iv) 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.

Provided that -

a. Re-appointment

- (i) 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
- (ii) 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.

- b. (i) 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 in order to allow the new members to hold office for the sake of continuity.

c. 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.

d. Power to Co-opt.

- (i) the Council may co-opt, in such 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.
- (ii) 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.

e. Appointment of officers and other employees of the Council.

- (i) 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 Central Government shall be subject to the approval of the Central Government.

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

f. 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.

g. 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 ;Conditions

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

- a) is, or becomes of unsound mind or is so declared by a competent court of law; or
- b) is or has been convicted for any offence which in the opinion of the Government of India involves moral turpitude; or
- c) is or at any time has been adjudicated as insolvent.
- d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
- e) has in the opinion of the Central Government 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.

VACATION OF OFFICE BY MEMEBRS

Removal

6. The Central Government shall remove a Member if he/she

- (a) becomes subject to any of the disqualifications mentioned in Section 5, or
- (b) is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council, or
- (c) ceases to be enrolled on the National Register of Social Work Professionals.

EXECUTIVE COMMITTEE AND OTHER COMMITTEES

7. Constitution of Executive and other committees

- a) The Council shall constitute, from amongst its members, an Executive Committee, and such other Committees, for general or special purposes as the Council deems necessary to carry out the purposes of this Act.
- b) 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 and members, two-third of whom shall be social work professionals.
- c) The Chairperson of the Council shall be the Chairperson of the Executive Committee.
- d) The Member-Secretary of the Council shall be the Member-Secretary of the Executive Committee.
- e) 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 Training and Accreditation.
 - 2. Committee on Policy, Planning, Research and Evaluation.
 - 3. Committee on Curriculam development and continuing Education.
 - 4. Committee on Social Work Practice and Innovation.
 - 5. Committee on Code of Ethics.
- f) 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.

MEMBER-SECRETARY OF THE COUNCIL

SECTION B: Pay and Allowances

The Council shall, with the previous sanction of the Government of India, 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

SECTION 9 : MEETINGS OF THE COUNCIL

Meetings

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Delhi School Of Social Work University Of Delhi, 26 March 2008*

1. 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.

2. The Chairperson, and in the absence of the Chairperson the Vice-Chairperson, shall preside at the meetings of the Council.
3. If for any reason the Chairperson and Vice-Chairperson, both are unable to attend any meeting of the council, any other Member present at the meeting shall preside at the meeting.
4. 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

FUNCTION OF THE COUNCIL

SECTION 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; and for the propose of performing its functions under this Act, the Council shall :

1. Make recommendations to the Central and State Governments, University Grants Commission and recognised institutions in he matter of suitable policies, plans, and programmes concerning the development of professional social work education and practice;
2. Co-ordinate and monitor social work education and practice and promote its development in the country;
3. Undertake surveys and studies relating to various aspects of social work education, training and practice and disseminate results thereof;
4. Lay down guidelines in respect of minimum qualifications for person to be employed as a social work professional;
5. 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;
6. Promote innovation in social work teaching, training, research and practice and disseminate the results thereof.

7. 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;
8. Take all necessary steps to prevent commercialisation of social work education and practice.
9. Assess the professional social work human power needs in the country 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.
10. Promote the production of indigenous literature in all the official languages of the country;
11. 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.
12. Promote interaction between professional social work and allied disciplines/professions in the area of teaching, training, research and practice;
13. Undertake and/or promote programmes of faculty development, preparation of teaching aids and field action projects;
14. Act as a clearing house for social work education and practice in the country and liaise with national and international organisations with similar functions;
15. Hold periodic consultation with the Government of India, National Commissions/Councils which have a bearing on professional social work;
16. Take steps for advocacy and promotion of the profession of social work;
17. Draw up a Code of Ethics and a Code of Conduct for social work educators, researchers and practitioners, and mechanisms for their enforcement, and 18. Perform such other functions as the Council may deem fit from time to time.

CHAPTER V

RECOGNITION AND REGISTRATION

Recognition of Qualifications granted by Universities in India for Social Work Professionals

SECTION 12 : Minimum Standards

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

National Workshop on National Council of Professional Social Work In India,

Delhi School Of Social Work University Of Delhi, 26 March 2008

Recognition of qualifications granted by institutions outside India

3. Recognition of qualifications

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 recommendation 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.

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

SECTION 13 : Information on Courses and Examinations

(1) Every University (including college) or Institution in India, 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.

(2) 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.

(3) Expert Committee

The Council shall appoint Expert Committees to visit any university or institution which wish to grant or confer university pre-degree, degree diploma or certificate in para-professional social work for purposes of recommending to the Government of India or State Government, for recognition of such qualifications diplomas or certificates as recognised social work qualifications.

(4) The Expert Committee, appointed under sub-section 13(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.

Withdrawal of recognition

(5) Withdrawal

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.

Appeals

Subject to other provisions contained in this Act, any qualification included in this schedule shall be sufficient qualification for enrolment on the Register.

MINIMUM STANDARDS OF EDUCATION FOR ENROLMENT AS PROFESSIONAL SOCIAL WORKER

SECTION 14 :

1. Minimum Standard for enrolment

The Council shall prescribe the minimum standards for enrolment as Social Work Professional by its Regulations.

2. Every person, whose name is borne on the Register, shall be entitled to work as Social Work Educator or practise Social Work in any part of India.

3. No person other than the Social Work Professional, who possesses a recognised Social work qualification, and is enrolled on the Register.

(a) 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).

(b) Shall practise as Social Work Professional anywhere in India.

(c) Shall be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by Social Work Professional.

(d) 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.

provided 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,

(e) 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.

SECTION 15 :

(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 of this Act.

CHAPTER VI

POWER TO MAKE RULES

SECTION 16 :

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 regulations made thereunder, be deemed to be public servants, within the meaning of section 21 of the Indian Penal Code.

SECTION 17 :

- (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matter, namely:
 - a) Terms and conditions of service of the members of the council;
 - b) Procedure for retirement of members;
 - c) Disqualification for continuing as a member of the Council;
 - d) Terms and conditions of service of the employees;
 - e) Returns and information which are to be furnished by the universities;
 - f) Form and manner in which the budget and reports are to be prepared by the Council;
 - g) Manner in which the accounts of the Council are to be maintained;
 - h) Form and manner in which return or other information are to be furnished by the Council to the Central Government.
 - i) Any other matter which has to be, or may be, prescribed.

POWER TO MAKE REGULATIONS

SECTION 18 : Regulations

1. The Council may, with the previous sanction of the Central Government, by notification in the official Gazette, make regulation consistent with this Act and the rules made thereunder-
 - a) Management of the property of the Council;
 - b) Functions of the Executive Committee and other Committees of the Council constituted under this Act;

- c) 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;
- d) Standards of staff, equipment, accomodation, training and other facilities for study or training of the Social Work Professionals;
- e) Conduct of examination qualifications of examiners and
- f) Standards of professional conduct and code of ethics to be observed by social work professionals;
- g) Particulars to be stated, and proof of qualifications to be given, in application for registration under this Act.
- h) Any other matter which is to be, or may be prescribed.

CHAPTER VII

FINANCE AND REPORTS

SECTION 19 :

- (i) Council fund

The Council shall have its own Fund; and all sums which may, from time to time, be paid to it by the Central 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.

- (ii) Budget

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 Central Government.

SECTION 20 : 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 Central Government and the Government shall cause the same to be laid before both Houses of the Parliament.

SECTION 21 : Accounts and Audit

- (1) 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.

- (2) 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.

SECTION 22 : Returns

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

CHAPTER VIII

MISCELLANEOUS PROVISIONS

1. 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.

2. Protection on action taken in good faith

No prosecution or other legal proceeding shall lie against the Central Government, the Council or any committees appointed by it, or any Member of the Council or member of such committees, or any officer or employee of the Central Government or the Council or any other person authorised by that Government or the Council, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made there under.