ASSAM NURSES', MIDWIVES' AND HEALTH VISITORS' REGISTRATION ACT, 1944

Preamble. Short title, extent and commence- ment. Definitions. Establish- ment and incorpora- tion of the Council. ASSAM ACT 11 OF 1944 THE ASSAM NURSES' MIDWIVES' AND HEALTH* VISITORS' REGISTRATION ACT, 1944 [published in the Assam Gazette Of the 5th April 1944.1 An Act to ptaoide for the registration and bewr training of nurses, midwives and health visitors in Assam. WHEREAS it is expedient to. provide for the registration of nurses, midwives and health visitors in Assam ; AND WHEREAS the previous sanction of the Governor has been obtained under section 119(1) of the Government of India Act, 1935 to the introduction Of this Bill ; It is hereby enacted as follows 1. (1) This Act may be called the Assam Nurses', Mid- wives' and Health Visitors' Registration Act, 19$4. (2) It extends to the whole of Assam. (3) It shall come into force on such date! as the [Stater Government may, by notification direct

2. In this Act, unless there is anything repugnant in the subject or context—(a) "Council" means the Assam Nurses,' Midwives' and Health Visitors' Council constituted under section 3. (b) "Institution" includes any association which maintains or controls a nursing establishment. (c) C CPrescribed" means prescribed by rules or regula- tions made under this Act. (d) "Register" means a register maintained under section 13 and scregistered" means registered under the provisions of this Act. (e) "Notification " means a notification published in the official Gazette. (f) "Nurse" includes a male nurse

3. The [Stater Government may, by notification in the official Gazette, establish a Council 3 to be called the ' 'Assam Nurses', Midwives' and Health Visitors' Council" for thc purposes of carrying out the provisions Of this Act. Such Council shall be a body corporate and have perpetual succession and a common scal and may, by the said name sue and be sued

4. The Coun shall consist of following ex-oficio Constitution and porninated me bers—of the (l) the Insp or General Of Civil Hospitals, Assam whos%allkthe prees\ent ; Council. *For Statement of Objects and Reasons see Assam Gazette, Part V' page 10, 1942. i 15th November 1944 (see Notification No.MMD.132/44/38, dated see also Notification No. MMD. 11th November 1914) ; 132/44/39, dated November 19" bringing the Act in force to P. Areas. 2 Substituted by A. O. 1950 for •'Provincial". 3 Established under Notification No.MMD. 132/44/40, dated 11th November 1944. Price annas 4 L Pu blication Of names Of Of omce Of the nom inated members. 2 (2) the Nursing Superintendent, Welsh Mission Hos- pita), Shillong ; (3) the Medical uperintendent, Welsh Mission Hos- pita), Shillong ; (4) the Nursing S perintendent, St. Luke's Mission Hospital, Chabua ; (5) the Medical S ntendent, American Mission Hospital, Gauhati ; (6) The Nursing Su rintendent, American Mission Hospital, Jorhat ; (7) The Nursing Supe intendent, Ganesh Das Hos- pital, Shillong ; (8) one doctor from [th district of Cacharl to be nominated by thc [State]2 Gov nment on the recommen- dation ot' the Assam Medical C ncil ; and (9) One registered midwi e or health visitor to be nominated by the [Stater Gove ment

5. The name of every member nominatedmnder section 4 shall be published by the [State]2 Government in the offi- Cial Gazette.6. (1) Subject o the prov• ions of secti n 7 an section 8, the term of office of the no inated Me ber sh 11 be three years. (2) A nominat d member ball be eli • ble for re-nomination at the end f his term office. (3) The powers of the Council may be exercised notwithstanding any vacancy in the number of its members fixed by section 4. up of 7. If any memb dies or resigns his embership or ceases to b: a member provided in section , the vacancy caucies. shall be filled within one onth of the notifi tion Of the vacancy by fresh nominat n under section 4. Provided that any per n nominated to fi a casual vacancy shall hold office ly so long as th member in whose place the nomina •on is made would ve held office

8. A nominatefinember of the Council shall be deemed Cessation Of member- to have vacated his seat—(a) If he is absent without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council ; (b) If he is absent out of India for any period exceed- ing six consecutive months

9. The Council may permit any member to absent Leave of absence to himself from the meetings of the Council for any period mernbcrs.not exceeding six months. 10. (l) The Council shall make regulations to Meetings Of the Council regulate and constitu- of tion Committees. (a) the mode of transaction of business, including provision for decisions on emergent matters by the circulation of papers

to members, and for co-opting persons specially qualified to advise on any particular matter before the Council ; i Substituted by A. O. 1950 for "the Surma Valley". Substituted by A. O. 1950 for • 'Provincial". (b) (c (d (i) (2) 3 thc time and placc at which its meetings shall be held ; the issue of notices convening such meetings ; thc conduct of business thereat ; and thc constitution or committees, the delegation to such committees of any powers or duties 01' the Council under this Act and the proce- dure of the Committees (including quorum) in the transaction of business ; Provided that— no business shall be transacted at any . meeting of the Council unless a quorum of members be present and save as provided in section 19, all questions aris- ing at any meeting of the Council shall be' decided by the votes of the majority of the members present and voting or in case of an equality of votes, by the casting vote Of the President of the Council or in his absence of the member presiding at the meeting. Until such tirne as the regulations referred to in sub-section (1) have come into operation, it shall be law- ful for the President of thc Council to summon a meeting at such time and place as to him seem expedient, by letter addressed to each member. Payment of 11. There shall be paid to the members of the Coun- f ees and cil such fees, if any, for attendance at meetings of the •ravelling Council or of committees of the Council and such reasona- xpenscs to mcmbcrs. ble travelling expenses for attending such meetings or for inspecting institutions as may from time to time bc allowed by the Council and approved by the [Stater Government. 12. (1) With the previous sanction of the [Stateli Go- Registrar and office vernment, the Council— s taff Of the Council. a shall appoint a Registrar ; b may grant leave to such Registrar and appoint a person to act in his place ; and (c) shall pay to the Registrar and to the person (if any) appointed to act in his place such salary or remuneration and such allowances (if any) as the Council may determine. (2) The Council may appoint such other officers and such clerks and servants as it may consider necessary for thc purposes of this Act, and shall pay them such salary or remuneration and such allowances (if any) a' the Council may determine. (3) The Registrar shall act as Treasu- rer to the Council

13. The Council shall maintain a register of—Maintenance of register. (i) nurses, (ti) mid wives, and (iii) health visitors, Substituted by A. O., 1950 for "Provincial". 4 in such forms, containing such particulars, and divided into such parts as may be prescribed. Maintenance 14. (1) Thc Registrar shall keep the registers in accor- of the regis- dance with the provisions of this Act and in accordance ten by the with any orders made by the Council, and shall, from Registrar. time to time, make all necessary alterations in the regis- tered addresses or appointments and in the classification, of the registered nurses, midwives and health visitors and erase the na me of any such nurse, midwife or health visitor who is dead or has ceased to practise. (2) To enable the Registrar to fulfil the duties imposed upon him by sub-section (1) he may send through the post a letter to any person registered as a nurse, a midwife or a health visi tor addressed to him according to his registered address or appointment, to inquire whether he has ceased to practise or whether his residence or appointment has been changed ; and if no answer to any such letter is received within a period of six months from its despatch, the Registrar may erase the name of such person from the register in which it is entered : Provided that any name erased under this sub-section may be re-entered in the register under the direction of the Council. Erasure Of 15. (1) Every Registrar of Deaths who receives notice of the death of any person whose name he knows to be registers on notice of entered in one of the registers, shall forthwith transmit by post to the Registrar of the Council a certificate of such death. death signed by him and stating particulars of the time and place of death. (2) On receipt of— (a) any such certificate, or (b) any other reliable information regarding such death the Registrar of the Council shall erase the name of the deceased person from the register in which it is entered. Erasure of 16. Any entry in the registers, which is proved to the fraudulent satisfaction of the Council to have been fraudulently or and incor- incorrectly made, may be erased under an order of the rect entrieA in registers. Council. Persons en- 17. The following persons shall on payment of such tled to be fee as may be prescribed, bc entitled to registration under registered. this Act, namely (aypurses, midwives and health visitors who have undergone the courses of training, have passed the examinations and fulfil such further con- ditions as may be prescribed ; (b) nurses, midwives and health visitors who are already in practice at the commencement of this Act and nurses under the Auxiliary Nursing Service Scheme who are not entitled to regis- tration under clause (a) subject to such con- ditions and restrictions as may be prescribed. 5 18. On making an application in the prescribed form Admission to register Of and on paying such fee, not being greater than the fee persons trai- ned outside payable on ordinary applications for registration under this Act, as the Council may demand, any person shall be entitled to be registered under this Act who proves to the

satisfaction of the Council that he has been registered either as a nurse, a midwife or a health visitor' in any [State] or country outside Assam in respect of which the Council is satisfied— (a) that there is in force therein an enactment, or a provision of any kind having the force of law, providing for the registration of nurses, mid- wives and health visitors under some public authority ; (b) that persons registered under this Act are admit- ted to the register established under the said enactment or provision on terms not less favourable than those contained in this section; (c) that the standard oi training and examination required for admission to the register of nurses, midwives or health visitors established under the said enactment or provision is not lower than the standard of training and examina- tion required under this Act : Provided that, notwithstanding any rule made under clause (b) of sub-section (I) of section 34, no fee shall be chargeable for the registration under this section of a nurse, midwife or health visitor whose name has been registered in a [State] in India between the of which and the [State]2 Government the principle of reciprocity of regis- tration has been accepted. R efusal of 19. (1) The Council may refuse to permit the registra- registration tion of any person as a nurse, midwife or health visitor and and removal when he is registered as a nurse, midwife or health visitor, and re-entry of names. may direct the temporary or final removal of his name from the register of nurses, midwives or health visitors on any of the following grounds (a) that he has been sentenced by any Court for any non-bailable offence, the sentence not having been subsequently reversed or quashed ; (b) that has been guilty of any offence which in the opinion of the Council indicates professional incompetence, negligence, or contravention Of. regulations ordinarily included in the perfor- mance of the duties of nurses, midwives or health visitors ; (c) that there are defects in his character which in the opinion of the Council would render the entry or retention of his name on the register undesirable : Provided that no action shall be taken by the Council under this section until after due enquiry (at which the I. Substituted by A. O. , 1950 for 'Province'

2. Substituted by A.O. , 2950 for "Provincial". Right appeal. 6 person concerned has been given an opportunity to bc heard m his defence and to appear either in person or by counsel, vakil, pleader or attorney, and which at thc discretion of the President of the Council may be held in camera) he .has been found, by a majority of two-thirds Of the members present and voting at the meeting, to have been sentenced for any non-bailable offence specified, in clause (a) or to have been guilty of an offence, or to have defects in his character of the nature specified in clause (b) or clause (2) Any name so removed may afterwards be re-en- tered in the register and any order of refusal of registration passed under sub-section (1) may be withdrawn under the direction of the Council given by majority of two-thirds of the members present and voting at the meeting. 20. (l) Any person aggrieved by an order Of of thc Council under section 19 may, Within three months from the date on which notice of such order is given to him, appeal to the [State] J Government against such order. (2) The order of the [State]i Government on any such appeal shall be final. Registration 21. The certificate of registration under this Act this shall not confer upon any person any right or title under Act not to qualify for to be registered under the Assam Medical Act, 1916 registration or to assume any title, name or designation implying under the that he is by law recognised as a medical practitioner Assam Me— or that hc is authorised to grant any medical certificate dical Act, or any certificate of death or still-birth, or to under- 1916. take the charge of cases of abnormality or disease in connection with parturition. 22. (I) The institutions which are approved Institutions for training and recognised by the Council after inspection by its nurses, mid- President shall be competent to train nurses, midwives wives r or health visitors, and to send them for examination Ibr Visi- to bc the qualifying certificates of the Council. recognised by Council. (2) All recognised institutions shall bc inspec- ted by the President of the Council at least once in two years

23. Whenever the Council, on receipt of an adverse Withdrawal of report, is of opinion that an enquiry should be made tion from as to the desirability of withdrawing recognition from institutions.a particular institution, it shall depute its President and a member for further inspection on such terms as it thinks fit and at thc same time call upon the institution to show cause why its recognition should not be withdrawn. Substituted by A.O. 1950 for "Provincial". 7 The Council may after consideration of the report so received and cf the explanation, if any, by the institution, Withdraw the recognition. The order of such withdrawal shall be in writing and shall be served in the prescribed manner. Appeals

24. Any person or institution aggrieved by an order of the Council under sections 16, 18 or 23 may appeal within three months from the date of such order to the [State] 1 Government. The decision of the [State]} Government- on any such appeal shall be final

25. No hospital, school or other similar institution Prohibition of i.sue of which has not been approved or recognised under certificates sub-section (l) of section 22 shall issue to any person a and entry of names by un.certificate or enter the name of any person on a list, recognised register or other document purporting to show that institutions. such person is qualified by having passed any examination or undergone any course of training to practise as a nurse, midwife or health visitor unless such person has been registered under this Act. Supervision 26. The Civil Surgeon of the district or such other by Civil person as may be appointed by the Council shall in Surgeon. consultation with the local authorities and subject to prescribed conditions and restrictions, exercise general supervision over nurses, midwives and hea lth visitors within the district and exercise and perform such other powers and duties as may be prescribed. Disabilities 27. After the expiration of seven years from the Of unregas- commencement of this Act no dispensary, hospital, tered infirmary or lying•in hospital shall employ any person as a nurse, midwife or health visitor unless he is registered under this Act or is under training in an institution recog- nised by the Council : Provided that the [State] I Government, on the advice of the Council, may exempt for such period and on such terms as it may fix any such dispensary, hospital, infirmary or lying in hospital from the operation of this section. Penalty for dishon e a t use of certi- Ecates

28. Any person who—(a) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person, (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) wilfully makes or causes to be made any false representation in any matter relating to the register or certificates issued under the provisions of this Act, Substituted by A.O., 1950 for "Provincial", (d) being the Secretarys Manager or Other officer of a hospital, school or other institution issues or authorises the issue of, a certificate to any person or enters, or authorises the entry of, the name of such person in contravention Of section 25, shall be punishable with fine not exceeding rupees three hundred

29. Any person who, not being a nure, midwife Penalty for unlawful or health visitor registered under this Act, assumes or assumption uses the name or title of registered nurse, midwife or of tide Of health visitor, or uses any name, title, addition, description nurse, mid- or signboard, implying that such person is a registered or nurse, midwife or health visitor, as the case may be, shall wife health visi- be punished on conviction with fine not exceeding one hundred rupees in the case ofa first offence, and with tor.fine not exceeding three hundred rupees in the case of a second or any subsequent offence. 30. (1) The Registrar shall. in every year, on Publication and use of or before a date to be fixed in this behalf by the Council cause to be printed and published correct lists of the annual list nurses, mid- names for the time being entered in the several parts of wives and the registers of registered nurses, midwives and health health visit- visitors, setting forth Ors. (a) all the names entered in the several parts of the respective registers arranged in alphabe- tical order according to surnames ; (b) the registered address or appointment of each person whose name is so entered in the registers ; and (c) the registered qualification of each such person and the date on which such qualification was certified. (2) Every court shall presume that any person whose name is entered in the latest of such lists is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act: Provided that, in the case of any person whose name does not appear in such printed list a certified copy signed by the Registrar, of the entry of the name of such person in a register Of nurses, midwives or health visitors shall be evidence that such person is registered under this Act : Provided also that a certificate purporting to be signed by the Registrar stating that the name of a person borne on the printed register of nurses, midwives or health visitors; as the case may be, has been removed from such register and specifying the date of such removal shall be evidence that such person is not registered under this Act and of the date from which he ceased to be so registered.

31. No court other than a Magistrate of the First Court come to Class shall try any offence under this Act.petent try offences under the Act. Cognizance of offences. Power of State Govern ment to make ,.rules. Power of Council to make rule'

32. NO Magistrate shall take cognizance of any offence punishable under this Act except upon complaint made by the Council.33, (l) The [State] t Government may, after previous publication, make rules 2 to carry out all or any of thc purposes Of this Act. (2) Tn particular and without prejudice to the generality of the foregoing power, they may make rules— (a) prescribing the period of less than three years for which a member of the Council may hold offcc under section 6 ; (b) prescribing the manner in which nominations Of members of the Council and the election Of the Vice-President shall be made, and casual vacancies shall be filled under scc- tion 7 ; (t) prcscribing the form in which a register shall be kept, the particulars to be entered in such register, and the parts in which such register shall be divided under section 13 ; (d) prescribing the manner in which an order of removal or refusal shall be served on persons under section 19 ; (t) prescribing the manner in which an order of withdrawal of recognition of an institution shall be served under section 23 ; (f) prescribing the fees payable in respect of an appeal under sections 20 and 24 ; and (g) any matter which is to be or rnay be prescribed. 34. (l) The Council may make rules, 3 not inconsistent with this Act or the rules prescribed by the [State] I Govern- ment, (a) regulating the compilation, maintenance and publication of the register and the conditions of admission to the register ; (b) prescribing the fee payable on application for registration, the form in which such applications shall be made, and thc conditions subject to which names shall be entered in the register ; (t;) prescribing and regulating the examinations which must be passed as a condition or admis- Sion to the register and any matters ancillary to or connected with such examinations, including the courses of training which the candidates appearing for the examination shall undergo ; 1 Substituted by A.O., 1950 for "Provincial". 2 Notification No. MM' ".132/44/34, dated 8th March 1045. 3 Vidl Notification No.223-NRC., dated 8th December, 1945. 10 (d) prescribing the causes for which, the conditions under which and the manner •_n which the names of nurses, midwives and health visitors may be removed or re-entered in the register under section 19 ; (e) for the approval of any institution for the pur- pose or such training and the granting of diplo- mas to candidates passing the examinations ; (J) regulating the conditions under which institu- tions for nursing the sick, maternity or child welfare may be approved and recognised by the Council ; (g) appointing a Registrar and such other servants as may be necessary ; (h) regulating the pay, pension, conduct and other conditions of service of persons appointed under clause (g) ; (i) establishing a provident fund for the benefit of the employees of the Council and of recognised institutions and regulating its administration ; (j) regulating and supervising the practice of their profession by registered nurses, midwives and health visitors ; (k) regulating the publication of the names of regis- tered nurses, midwives and health visitors and their residences ; (l) regulating the conditions under which such nurses, midwives and health visitors registered in other [States] or other countries may be admitted to the register, on such other and coun- tries granting reciprocal registration to persons registered on the register of the Council ; (m) determining the manner in which all fees levied under this Act and all moneys received by the Council shall be accounted for, audited and applied for the purposes of this Act, and for regulating the expenditure of the Council gene- rally ; and (n) generally for the provision of any matters in respect of which the Council considers provision should be made for the purposes of this Act. €2) All rules made under this section shall be published in the Odicial Gazette. Substituted by the A. O., 1950 for "Provinces." 11 Protection 35. No suit or other legal proceedings shall lie against Of persons any persons for anything done or intended to be done in acting in good faith good faith under this Act or rules. un der th e Act rules

36. Every persons appointed under sub-section (I) or Certain per- sons to be sub-section (2) Of section 12 shall be deemed to be a public public ser- servant within the meaning of section 21 of the Indian vants. Penal Code

37. Nothing in this Act shall apply to medical practi- Act not iO apply to tioners possessi ng qualifications entitling them to registration medical under the Assam Medical Act, 1916.practitioner.