

DELHI NURSING COUNCIL ACT, 1997

Bill No. 10 of 1997 (PART XV DELHI EXTRAORDINARY) Government of National Capital Territory of Delhi. (Department of Law, Justice & Legislative Affairs), Marg, Delhi-110054. , f. 14/5/97-99/L. A. / g; Mard, 1999. Dated the following Act of Legislative Assembly received the assent of the President on 4.3. 1997 and hereby published as the general Information of the Delhi Nursing (Delhi No. 3 1999) . ACT to provide for the regulation of the Delhi Nursing Council regulation of registration and training of nursing personnel (nurses, midwives, auxiliary nurse practitioners and health assistants/supervisors) and matters connected therewith. BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty eighth Year of the Republic of India as follows :
CHAPTER- 1 PRELIMINARY

2. Short title, extent and commencement .Definitions . (1) (2) (3) In This Act may be called the Delhi Nursing Council Act, 1997. It extends to the whole of the National Capital Territory of Delhi . It shall come into force on such date as the Government may, by notification in the official Gazette, appoint . this Act, unless the context otherwise requires , (a) (b) (c) " affiliated institution" means an institution or hospital or health centre for preventive , promotive, curative care and rehabilitative nursing services , which is recognised and affiliated to the Council; auxiliary nurse midwife" or female health worker" means a person who possesses a certificate of auxiliary nurse midwife, or, as the case may be, of female health worker, from a recognised institution registered under section 13; the Delhi " council means Nursing Council constituted under section 3 ; (d) (f) (g) (h) (i) (j) (k) (l) (m) female health assistant or supervisor" means a person who possesses a certificate from an institution recognised and registered under section 13 ; "Government" means the Government of the National Capital Territory of Delhi; "licensing authority" means an officer authorised by the Government to issue licences under this Act; Lieutenant Governor means the Lieutenant Governor of the National Capital Territory of Delhi referred to in clause (1) of article 239AA and appointed by the president under article 239 of the Constitution; Inspector" means a nurse appointed by the Council "list" means a list of nurses, midwives, auxiliary nurse-midwives or female health or female health workers supervisors assistants or maintained under section 16; "member" means a member of the Council ; "nurse" means a person who possesses a certificate in nursing and midwifery from an institution recognised in this behalf and registered with the Council ; "prescribed" means prescribed under the rules; 'the president' means the President of the Council; 4 (n) (o) (p) (q) (r) "register" means a register maintained under section 15 ; registered" means registered in accordance with the provisions of section 13; means Registrar registrar" appointed under section 10 ; 'regulation" means a regulation made by the Council under this Act . " rule" means a rule made by the Government under this Act , by notification in the Official Gazette

CHAPTER 11 Delhi Nursing Council Constitution and incorporation of the Council . (1) The Government shall, as soon as commencement be after the this Act, of constitute a Council called The Delhi Nursing Council ' The Council shall consist of following the members namely : - (a) (b) (c) The Director of Health Services , Government of National Capital Territory of Delhi Ex-Officio. The Director of Indian Systems of Medicine and Ex-Officio . Homoeopathy The Medical Officer of Health, Municipal Corporation of Delhi Officio. (d) (f) (g) (h) 6 The Nursing Advisor to the Government of India Ex-Officio . Nursing Chief Three Officers of the hospitals in the National Capital Territory of Delhi to represent each, to be elected by one hospital nominated by the Government by rotation, from the following: - (i) Hospitals of Central Government ; (ii) Hospitals of Government of National Capital Territory of Delhi; (iii) Hospitals of Municipal Corporation of Delhi/ New Delhi Municipal Council . Two Members the Legislative Assembly of the National Capital Territory of Delhi to be nominated by the Speaker of the Assembly . Three persons to be nominated by the Government to represent as nurse, auxiliary nurse midwife and a nursing educationist, from the amongst nurses , auxiliary nurse midwives and nursing educationists of recognised nursing schools . A member of the Delhi branch of Trained Nurses Association of India to be elected by the Members (i) The themselves . Two principals, one each from General Nursing and Midwifery Schools and Colleges of Nursing; and one Principal from Auxiliary Nursing and Midwifery Schools , to be elected from amongst the nursing institutions . Council shall be a body Term of Office. (2) (3) (1) (2) (3) corporate, having a perpetual succession and a common seal , acquire, with the power hold

and dispose of property, whether movable or immovable, and to contract and to do all things the necessary for purposes of this Act, and may by the name aforesaid sue or be sued. The president and the Vice-President of the Council shall be elected from amongst the according to the members, procedure as may be pre- scribed . of office of a The t e rm member, other than ex-officio member, shall •be three years from the date of nomination or until a successor has been duly nominated, whichever is earlier , A member appointed to the in his ex-officio Council capacity shall cease to hold office as a member if he ceases to hold such office. President The offi ce from election upto which his term shall hold the dat e of the date on of office as a 7 metilber expires or until a successor has been duly elect- ed. If the seat becomes vacant by reason of death, disability, resignation, removal or dis- qualification, a new member shall be nominated by the Government and such nominated member shall hold office for Che remainder of the for which the member nominated . only term was (5) (6) (7) A member shall be deemed to have vacated office if he absents himself from three consecutive meetings of the Council . it hout leave of the Council . (b) The President may resign office by from his notice in writing ad- dressed to the Secretary of the Council . Such resignation shal 1 take effect from the date on which it is accepted by the Council . A member may resign from office by notice in writing addressed to the president and every such resignation shall take effect from the date on which it is accepted by the president . Notwithstanding anything contained in this Act, tne Government may (a) remove a member from office on being found disqualified as per sub- this section (8) of section, or 8 (b) if the Council decides at a meeting by two- thirds maj or i ty of the total membership that the continuation of a member in office is prejudicial to the interest of the Council , Meetings 5. of the Council . (8) (1) (2) 9 remove the member from office . A person shall be disqualified for being elected or nominat- ed, and for continuing, as a member (b) (c) (d) if he is an undischarged insolvent; or if he is of unsound mind and stands so declared by a competent court; or if his name has been removed from the register and has not been re- entered therein, or if he is a whole- time officer or servant of the Councili or completes 65 years of The Council shall meet at least once in a year and may also meet as many times as neces- sary in a year to transact its business . The President, when present, shall preside over meetings of the Council and in his absence Vice-President the shall preside . In case both are absent, any other member elected by the members present (3) (4) from amongst themselves shall preside at such meetings . All transactions of business at a tneeting shall be decided by majority vote. In the case of equal votes, the president shall have a casting vote. Quorum

6. Vacancies in the Council not to in- validate act, etc. Executive 8. Commi t tee . O ther 9. Comcni tteeg . The quorum necessary for the trans- action of business at a meeting of the Council shall be one- third of the total number of members includ- ing the President; Provided that if at any meeting of the Council a quorum is not the President or the present, presiding meuuber, as the case may be, shall adj ourn the meeting to such hour of the day or so:ue future day, as he may notify by notice on the Notice Board at the office of The business before the Council. the original meeting shall be the adj ourned brought bef ore meeting and may be disposed of at such meet Ing or any subsequent adj ournment thereof, whether there be a quorum present or not . No act or proceeding of the Council shall be invalid by reason of in existence of a vacancy the Council or on account of any defect or irregularity in its constitu- tion . Executive Commi t t ee shall The consist of five members who shall be elected bv the Council from amongst its metabers in the manner as may be prescribed . The Council may cons Li tute sub- committees for such purposes as the Council considers necessary . 10 Staffing of Council . 10. (1) (2) (3) (4) (5) (6) (7) 11 The Council shall, with the previous approval of the Government , appoint a full time nurse as a Registrar and another full time nurse as a Deputy Registrar and such other staff as may be neces- sary . The council shall adopt the Central Civil Services Rules mutat is tandi.s . The pay and allowances payable to the Registrar, officers and other employees of the Council shall be fixed by the Council with the previous approval of the Government . The Council may, with the previous sanct1011 of the Government , suspend dismxss or remove any person appointed as the Registrar, or impose any other penalty upon Ili [11 in the manner as may be provided by regulations . The Regis C rar be 1.110 Secretary and the Exeeut Ive Officer of the Council. shall attend all meetings of the Council, and of its Execu- tive Committee, and shall keep minutes of the meetings and names of mean,bers present and of the proceedings of such meetings . The accoun t-s of t 110 kept: by Che Registrar, in the manner as prescribed by regulations , The Regi_strar Ulla LI have t;ueh supervisory powers over the staff as may be prescribed by (8) gulations and may perform such other duties and dis- charge such cther functions ag may specified in this Act, or a B may be

prescribed by regulations. The Registrar shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code. Fees and Allowances for meetings. Income and Expenditure of the Council. Registration of nurses midwives, - liars: nurse midwives, female health workers 11 12. The President and other members of the Council shall be paid fees and allowances prescribed by regulations. The Council (1) (2) The income of the Council shall consist of (c) The registration fees received from the practitioners; grants received from the Government, if any; and gifts and donations or any other sums raised by the Council. The Council shall apply the money obtained under sub-section (1) in such manner as may be prescribed. CHAPTER REGISTRATION 13. (1) Any person who fulfills the conditions of academic qualifications; and training as prescribed by regulations shall be eligible to be registered/ on payment of such prescribed fees, the fees as prescribed for female health workers, general health supervisors. Fee for renewal of registration shall be maintained. Maintenance of list of persons practising as nurse, auxiliary nurse midwife, female health worker, female (2) Any person shall register for a period of five years. The Council shall follow such procedure as may be prescribed by regulations. For the purpose of an appeal under the provision of section 23, the Council shall be deemed to be a court within the meaning of the Indian Evidence Act 1872 and shall exercise all the powers of a Commissioner under the Public (Inquiries) Servants Act, 1850: Provided that nothing contained in any Act shall prevent the Council from holding an inquiry or hearing. A person shall renew his/her registration in the manner prescribed by regulations on payment of renewal fees. and on maintaining a register (1) (2) (1) (2) The Registrar shall such registers prescribed. it shall be the duty of the Registrar to make entries in the register from time to time, to revise the same and issue certificates of registration in accordance with the provisions of this Act, and the rules made thereunder. The Council shall keep a list of such persons as are not eligible for registration under section 13 but who are practising as nurses. not being If a person who, 13

