

HARYANA HEALTH CARE WORKER ACT 2004

HARYANA GOVT, GAZ. (EXTRA.). OCT. 24, 2005 (KRTK. 2, 1927 SAKA) PART HARYANA GOVERNMENT LEGISLATIVE DEPARTMENT Notification The 24th October, 2005. No. 13 OF 2005.—The following Act of (the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 24th October, 2005) is hereby published for general information 291111 August, HARYANA ACT NO. 13 OF 2005 to regulate the employment of Health Care Workers who provide their services to old, infirm, disabled, incapacitated and needy persons etc. Haryana (the Republic of India) 2004. (3) It shall come into force on such date as Government may, by notification, extend and ratify, (b) (c) (e) "Board" means the Board established and constituted under section 3 of this Act "Director" includes the Director of Ayurveda, Haryana and includes the Deputy Director of Ayurveda, Haryana, the Assistant Director of Ayurveda, Haryana and such other officer as the Government may appoint for exercising all or any of the functions of the Director under this Act; "Government" means the Government of the State of Haryana; "Health Care Worker" means a person who provides his services to old, infirm, disabled, incapacitated and needy persons etc. "member" means a member of the Board and includes the Chairman and members of the Board and such other officer as the Government may appoint for exercising all or any of the functions of the Director under this Act; "prescribed" means prescribed by rules made under this Act "Register" means the Register of Health Care Workers maintained under this Act. (1) There shall be constituted for the purpose of carrying out the provisions of this Act a Board to be known as the Board of Haryana Health Care Workers consisting of a Chairman and seven other members residing in the State of Haryana. All the members of the Board including the Director shall be appointed by the Government on such terms and conditions as it may deem fit. (2) The Chairman and the members of the Board shall hold office; during the pleasure of the Government. (3) The Board shall be a body with the name aforesaid, having perpetual succession and a common seal with power to (a) hold and dispose of property, and (b) contract, and may by the name sue and be sued. (4) If in the office of any member of the Board death, resignation, removal or disability of such member or otherwise, the vacancy shall be filled by the Government. (5) Any member of Board may at any time resign his office by letter addressed to the Government and the (a) who is a minor or an undischarged insolvent; or a Court to be satisfied that (b) of unsound mind or (c) who has been sentenced by a Criminal Court to imprisonment for such offence involving turpitude as may be declared by the Court to be disqualified from holding or continuing to hold office. Any act done or proceeding taken under this Act by the Board shall be invalid merely on the ground— (a) (b) (c) of any vacancy or defect in the constitution of the Board; or of any defect or irregularity in nomination or appointment of any member; or of any defect or irregularity in such act or proceeding, notwithstanding the merits of the case. (6) HARYANA GOVT. GAZ. (EXTRA), OCT. 24, 2005 (KRTK. 2, 1927 SAKA) 217 of 2005 whose object is to carry out the provisions of the Act, Haryana, residing in office (the said vacant) by letter mentioned for and by the Government; or 8. The Board shall meet at such time and place and every meeting of the Board shall be summoned in such manner, as may be provided in the rules made under this Act: provided that until such rules are made, it shall be lawful for the Chairman to summon a meeting of the Board at such time and place as he may deem expedient by letter addressed to each member. 9. (1) The Chairman and in his absence a person elected by the members of the Board from amongst themselves, shall preside at every meeting of the Board. (2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting: (3) (4) Provided that in case of equality of votes, the Chairman or the person presiding, as the case may be, shall, in addition to his vote as a member of the Board, have a second or casting vote. Four members shall form a quorum at a meeting of the Board. Provided that if a meeting is adjourned for want of quorum, notwithstanding the fact that the same business is transacted, the Board shall appoint a Registrar who shall, receive such salary and allowances and be subject to such conditions of service as may be prescribed: that until a Registrar is appointed, the Chairman or the person presiding, as the case may be, shall be entitled to such salary and allowances and shall be subject to such conditions of service as may be prescribed by the Government. (2) The Board may appoint such other employees as may be necessary for carrying out the purposes of this Act and such employees shall, receive such salary and allowances and be subject to such conditions of service as may be prescribed. (3) employees of the Board including the Registrar shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 45 of

1860). 11. (1) The provisions of this Act and the rules made thereunder and subject to any general or special order of the Board, it shall be the duty of the Registrar and to act as the Secretary to the Board. (2) The Register shall be in such form as may be prescribed and shall contain the names, addresses and qualifications of every Health Care Worker together with the dates on which qualifications were acquired. The Registrar shall keep the Register correct as far as possible, and ensure renewal of Powers of prohibition or to direct removal from Register etc. may from time to time enter therein any material alteration in the address or qualifications of the Health Care Worker. Any of the enrolled Health Care Workers whose names are directed to be removed under this Act shall be removed from the Register. Any person prescribed, be entitled to have entered in the Register any further degrees, diplomas or certificates or other qualifications in Ayurvedic and Unani Systems or other recognized medical degrees, diplomas or certificates which he may obtain. (5) For the purposes of this section, the Registrar may write by registered post to the Health Care Worker enquiring whether he has ceased to provide service or has changed his residence and if no answer is received to the said letter within three months the Registrar may remove the name of the Health Care Worker from the Register. (6) Every person possessing a medical degree, diploma or certificate from any University, Board or Institution established by law in pharmacy or in health sciences such as physiotherapy, nursing, YabaraLory technician, vaidya, up-vaidya etc. and providing their services to old, infirm, disabled, incapacitated and persons etc. in accordance with the provisions of this Act and on payment of such fees as may be prescribed in this behalf, be eligible to be enrolled in the Register if he is a minor. 13. (1) Every Health Care Worker shall have his enrolment renewed after every five years within one month of the expiry of the period of his enrolment on payment of such fees as may be prescribed. (2) If the Health Care Worker fails to get his enrolment renewed within the period provided in sub-section (1), his name shall be removed from the Register. Provided that his name may be re-entered in the Register by the Registrar on payment of such additional fee as may be prescribed within two months after the expiry of the period provided for renewal. 14. The Board may prohibit the enrolment of any person or any entry in the Register from, the following Workers— (a) who has been sentenced by a Criminal Court to imprisonment for such offence involving turpitude as may be declared by the Government, or (b) whom the Board after proper enquiry either made by itself or by a Committee appointed for the purpose by the Board from amongst its members, has found guilty of misconduct or violating any of the provisions of this Act. 15. For the purpose of any inquiry held under clause (b) of sub-section (1) section 14 the Registrar or a Committee appointed by the Board shall be deemed to be a Court within the meaning of the Indian Evidence Act, 1872 (Act I of 1872) so far as may be, it shall follow the procedure laid down in the Code of Procedure, 1908 (Act V of 1908). (1) Any person or any entry in the Register may, on payment of such fee as may be prescribed, appeal to the Board. (2) An appeal under sub-section (1) shall be filed within sixty days of the passing of the order appealed against after excluding the time spent in obtaining and attending the appeal and by the Board in the manner prescribed. (3) The Board may, on its own motion or on the application of any person, after due and proper enquiry and after giving the appellant an opportunity of being heard, cancel or alter any entry in the Register, if, in the opinion of the Board, such entry was made fraudulently or wrongly.

17. There shall be paid to the members for attending meetings of the Board such travelling and other allowances as may be prescribed.

18. The Registrar shall, at least once in every five years on or before a date to be fixed by the Government, cause to be prepared, names and qualifications of all Health Care Workers for the time being entered in the Register. If any person wilfully and by deceitful means secures his enrolment as a Health Care Worker, his enrolment shall be cancelled on the passing of an order. No Health Care Worker shall sell any medicine of the Ayurvedic System or unani System or any other system of medicine without his registration.

21. If at any time it appears to the Government that the Board has neglected to exercise, or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the Government may communicate the particulars of such neglect, excess or abuse to the Board; and if the Board fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf; the Government may, for the purpose

of remedying such neglect, excess or abuse, cause any of the powers and duties of the Board to be exercised and performed by such agency and for such period as the Government may think fit, No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or under any rules or regulations made thereunder. Board from decision of Registrar and other powers of Board. Allowances payable to Publication of Worker Cancellation of enrolment (Bur to sell Government of action taken in good faith. 1 15 220 HARYANA GOVT. GAZ. (EXTRA.).. OCT. 24, 2005 (KRTK. 2 1927 SAKA) 23. (I) The Government may, by notification in the Official Gazette and ; n A v e r ' nake after previous publication, 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 matters, namely t— - (a) (b) (c) (d) (e) (f) the salary, allowances and other conditions of service of the Registrar and other employees of the Board appointed under section 10 the form of Register required to be maintained under section 11 , the amount of fees payable under sub-section (4) of section the manner in which appeals against the decision of the Registrar shall be heard and decided by the Board under section 16 and the fees chargeable for such appeals ; the allowances payable to members under section 17 : the time and place at which the Board shall hold its meeting vvhuh;il sue...n slidil SUIØLEåOUC.d under section 8', Power to remove difficulties. (g) any other matter which may be prescribed. (3) Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions. and if before the expiry of the session in which it is so laid or the session immediately following, House agrees in making modification in the rule or the House agrees that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect. as the case may be. so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

24. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification, make such provisions. or give such directions, not being inconsistent with the provisions of this Act. as may appear to it to be necessary or expedient the . R. S. MADAN, Secretary to Government Haryana, Legislative Department. Chd.