

THE UNITED PROVINCES NURSES, MIDWIVES, ASSISTANT MIDWIVES
2(AUXILIARY NURSE-MIDWIVES AND HEALTH VISITORS)
REGISTRATION ACT, 1934¹

[U. P. ACT No. XV of 1934]

Amended by

U. P. Act No. IV of 1944

U. P. Act No. IX of 1945

U. P. Act No. XVI of 1948

U. P. Act No. XXXV of 1952

U. P. Act No. XXV of 1954

U. P. Act No. XIV of 1960

Adopted and modified by the Government of India (Adoption of Indian Laws) Order, 1937

Adapted and modified by the Adaptation of Laws Order, 1950

[Received the assent of the Governor on July 7, 1934, and of the Governor-General on August 5, 1934, and was published under section 81 of the Government of India Act on August 25, 1934.]

to provide for the registration of Nurses, Midwives, Assistant Midwives

2[Auxiliary Nurse-Midwives and Health Visitors] in the United Provinces of Agra and Oudh.]

AN

ACT

WHEREAS it is expedient to provide for the registration of nurses, midwives, assistant midwives, 2[auxiliary nurse-midwives and health visitors] in the United Provinces ;

And whereas the previous sanction of the Governor-General under section 80-A (3) (f) of the Government of India Act has been obtained to the passing of this Act ;

It is hereby enacted as follows :

Short title,

1. (1) This Act may be called the United Provinces Nurses, extent and Midwives, Assistant Midwives, 1[Auxiliary Nurse-Midwives and Health commencement Visitors] Registration Act, 1934.

(2) It extends to the whole of 3[Uttar Pradesh].

(3) It shall come into 4force on such date as the 5[State Government] may, by notification in the 6[Official Gazette] direct.

Statement of Objects and Reasons *see Gazette Extraordinary*, dated Dec. 9, 1933, p. 12.

2. *Subs. by sec. 2 of U. P. Act no. XIV of 1960.*

3. *Subs. by the A. O. 1950 for (the United Provinces). The words (of Agra and Oudh) omit, by ibid.* 4. The Act came into force on Jan. 1, 1937.

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Definitions

2. In this Act, unless there is something repugnant in the subject or context—

(a) “the Council” means the Council under section 3 of this Act ;

(c) “prescribed” means prescribed by the rules and regulations made under this Act ;

1917w (d) “registered medical practitioner” means a person registered U. P. Act III of under the United Provinces Medical Act, 1917 ;

(e) “the Registrar” means a person appointed under section 16 (1) (a) or (b) to perform the duties of the Registrar under this Act ;

(f) “registers” means the registers maintained under section 17 of this Act ;

(g) subject to the provisions of section 2 (d) “registered” means registered under the provisions of this Act, and “un-registered” means not registered under the provisions of this Act ;

(h) “nurse” means a person who holds a certificate in nursing from any institution notified by the ¹[State Government] in this behalf or who has been registered under clause (b) of section 23 and shall include a male nurse ;

(i) “midwife” means a person who holds a diploma in midwifery from any institution recognized by the Council in this behalf, or who has been registered under clause (b) of section 23 ;

(j) “assistant midwife” means a person who holds a diploma as an assistant midwife from any institution recognized by the Council in this behalf or who has been registered under clause (b) of section 23 ; ²[***]

(k) “health visitor” means a person who holds a health visitor’s certificate of ³[Uttar Pradesh] Health School or of any other institution notified by the ¹[State Government] in this behalf, ⁴[and]

⁵ [(l) “auxiliary nurse-midwife” means a person who holds a certificate in auxiliary nurse-midwifery from any institution recognized by the Council in this behalf.]

Establishment **incorporation** **3.** A Council shall be established and called “the United and Provinces Nurses and Midwives Council” ; and such Council shall be a **of the Council** body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

1. *Subs.* by the A. O. 1950 for ‘Prov. Govt.’

2. *The word ‘and’ del. by sec. 5 (i) of U. P. Act XIV of 1960.*

3. *Subs.* by the A. O. 1950 for (the United Provinces). The words (of Agra and Oudh) omit, by *ibid.*

4. *Added by sec. 5(ii) of U.P. Act No. 14 of 1960.*

5. *Add. by sec. 5 (iii) ibid.*

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Constitution **Council** **4.** (1) The Council shall consist of ¹[the following members] **of the** namely—

²[(a) *Asex-officiomembers*—

- (i) the Director of Medical and Health Services, Uttar Pradesh ;
- (ii) the Additional Director of Medical and Health Services Uttar Pradesh ;
- (iii) the Deputy Director of Medical and Health, Services (Women), Uttar Pradesh ;
- (iv) the Assistant Director of Medical and Health Services (Maternity and Child Welfare Section), Uttar Pradesh ;
- (v) the Superintendent of Nursing Services, Uttar Pradesh, Lucknow ;
- (vi) the Superintendent, Silver Jubilee Health School, Lucknow ; and
- (vii) the Superintendent, Kamla Nehru Hospital, Allahabad.]

³[(b) *Elected Members* —

- (i) One non-official registered medical practitioner to be elected by the Governing Body of the State Medical Faculty, ⁴[Uttar Pradesh] from among its own members ;
- (ii) Two members of ⁵[Uttar Pradesh] Legislative Assembly elected by the members of that Assembly of whom one at least should be a women ;
- (iii) One member of ⁵[Uttar Pradesh] Legislative Council elected by the members of that Council ;
- (iv) Four registered nurses to be elected by the registered nurses ;
- (v) Two representatives of the registered, ⁶[auxiliary nurse midwives, midwives and assistant midwives] to be elected jointly by them;
- (vi) One registered Health Visitor elected by the registered Health Visitors.

(c) *Nominated members* —

Subs. by sec. 2 (1) of U. P. Act XXXV of 1952 for the figures and the word (24 members.)

2. Subs. by *ibid.*

3. Add. by sec. 5 (iii) *ibid.*

4. Add. by sec. 5 (ii) *ibid.*

5. Subs. by A. O. 1950 for "United Provinces".

6. Subs. for 'and assistant midwives' by sec. 6 of U. P. Act XIV of 1960.

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(i) Four members to be nominated by the [State Government] from among Nursing Superintendents, Matrons and Sister Tutors employed in State or State-aided hospitals in ¹[Uttar Pradesh] ;

(ii) One member to be nominated by the ²[State Government] from among Medical Superintendents belonging to a training institution;

(iii) One midwife to be nominated by the ²[State Government] who should be an employee of a Government or State aided hospital ;

(iv) A registered nurse resident in ¹[Uttar Pradesh] nominated by ¹[Uttar Pradesh] Branch of the Trained Nurses Association of India.]

³(2) The Director of Medical and Health Services, Uttar Pradesh and the Additional Director of Medical and Health Services, Uttar Pradesh shall be the *ex-officio* President and Vice-president respectively of the Council.]

(3) If an *ex-officio* member refused to act or resigns or is deemed to have vacated his seat or is disqualified from membership the ²[State Government] shall, notwithstanding the provisions of sub-section (1) of this section, nominate some other person to the Council in his place.

Nomination in default of 5. If any electoral body referred to in section 4 does not, in the **of members** case of a casual vacancy referred to in section 9 within three months **election** and in any other case by such date as may be prescribed, elect a qualified person to be a member of the Council, the ²[State Government] shall nominate a member, and the person so nominated shall be deemed to be a member of the Council as if duly elected by such body.

Publication members 6. The name of every person elected or nominated a member of **of names of** the Council shall be published by the ²[State Government] in the ⁴[Official Gazette].

Leave of members 7. The council may permit any member to be absent from **absence to** meeting of the Council for a period not exceeding six months.

Casual 8. (1) A member of Council shall be deemed to have vacated his **vacancy** seat—

(a) if absent, otherwise than for a reason considered adequate by the Council, from three consecutive meetings of the Council ; or

(b) if out of India for a period exceeding six consecutive months ; or

(c) if he becomes subject to any of the disabilities set-forth in section 11 ; or

Subs. by A. O. 1950 for "United Provinces".

2. Subs. by the A. O. 1950 for 'Provl. Govt.'

3. Subs. by sec. 2 (2) of U. P. Act XXXV of 1952.

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(d) if, having been elected under section 4 (1) (b) he ceases to be registered medical practitioner or his name is removed from the register as the case may be ; ¹[or]

²[(e) If being a nominated member he ceases to belong to the appropriate categories referred to in sub-section (1) of section (4).]

(2) On the occurrence of any vacancy referred to in sub-section (1), the President shall forthwith report the fact of such vacancy to the ³[State Government].

Filling casual 9. 4[If any member of the Council, whether elected or vacancies nominated, under sub-section (1) of section 4 dies or resigns his membership or ceases to be a member under the provisions of sub- section (1) of section 8, the vacancy shall be filled within three months by a fresh election or nomination, as the case may be, in accordance with the provisions of sub-section (1) of section 4 and in default of election, by nomination in accordance with the provisions of section 5.]

Term of office 10. (1) The term of office of members of the Council other than of members *ex-officio* members, shall be three years from the date of election or nomination ;
Provided that the term of office of a member elected or nominated under section 9 shall be the residue of the term of office of the member in whose place he was elected or nominated.
5[Provided further that where a member elected under sub-clause (ii) or (iii) of clause (b) of sub-section (1) of section (4) ceases to be a member of the Uttar Pradesh Legislative Assembly or the Uttar Pradesh Legislative Council, as the case may be, he shall cease to be a member of the Council].

(2) An outgoing member, if not disqualified under section 11, shall be eligible for re-election or re-nomination.

Disqualification 11. A person shall be disqualified for being a member of the for membership Council if such person—

(a) has been sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding three months or to transportation, such sentence not having subsequently been reversed or remitted or the offender pardoned, and such persons disqualification on account of such sentence not having been remitted by an order which the 3[State Government] is hereby empowered to make, if it thinks fit, in this behalf ;

[1.](#)
[Add. by sec. 3 \(a\) of U. P. Act XXXV of 1952.](#)

[2. Ins. by sec. 3 \(b\) of *ibid*.](#)

3. Subs. by the A. O. 1950 for 'Prov'l. Govt.'

[4. Subs. by sec. 4 of U. P. Act XXXV of 1952.](#)

[5. Add. by sec. 2 of U. P. Act XXV of 1954.](#)

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(b) is an undischarged insolvent ; or

(c) has been adjudged by a competent court to be of unsound mind.

Quorum and 12. (1) No business shall be transacted at a meeting of the voting Council unless a quorum of eight members be present.

(2) Save as otherwise provided in section 21 (1), all questions arising at a meeting of the Council shall be decided by the votes of the majority of the members present and voting or in the case of an equality of votes by the second or casting vote of the President of the council or in his absence, of the member presiding at the meeting.

Validity of proceedings 13. No act or proceeding of the Council shall be deemed invalid acts and merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

Meeting of and 14. (1) The Council shall, subject to the provisions of this Act the Council and of any rules made by the 1[State Government] under this Act, make constitution regulations in respect of—

of committees (a) the mode of transaction of business including provision for decisions on emergent matters by circulation of papers to members, and for co-opting persons specially qualified to advise on any particular matter before the Council ;

(b) the times and places at which its meetings shall be held ; (c) the conduct of business thereat ; and

(d) the constitution of committee the delegation to such committees of any powers or duties of the Council under this Act, and the quorums and procedure of such committees in the transaction of their business.

(2) Until such time as the regulations referred to in sub-section (1) have been made it shall be lawful for the President of the Council to summon a meeting of the Council at such time and place as he thinks fit, by letter addressed to each member of the Council.

Payment of members. **15.** There shall be paid to the members of the Council and expenses to Committees such travelling and other expenses as may from time to time be prescribed by regulations under section 33 (3) (d).

Appointment and other officers **16.** (1) With the previous sanction of the ¹[State Government] the of Registrar 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,

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appointed to act in his place such salary and 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 the purposes of this Act, and shall pay them such salaries and such allowances (if any) as with the previous sanction of the ¹[State Government] the Council may determine.

(3) The Registrar shall act as Secretary and Treasurer to the Council.

Orders by maintenance **17.** (1) The Council shall, as soon as conveniently may be after Council for this Act comes into force, and from time to time as occasion may of registers require, make orders for regulating the formation, maintenance and publication of registers of nurses, midwives, assistant midwives, ²[auxiliary nurse-midwives and health visitors] according to their respective qualifications.

(2) The said registers shall be kept in such form or forms as may be prescribed.

Registrar's respect of **18.** (1) The Registrar shall keep the registers mentioned in functions in section 17 in accordance with the provisions of this Act and of any order registers made by the Council, and shall from time to time make all the necessary alterations in the registered addressee or appointment of such nurses, midwives, assistant midwives, ³[auxiliary nurse-midwives and health visitors], and erase the names of any registered nurses, midwives, assistant midwives ⁴[auxiliary nurse-midwives or health visitors] who may have died or ceased to live and practice in India.

(2) To enable the Registrar to fulfill the duties imposed upon him by sub-section (1) he may send through the post a letter to any person registered as a nurse, midwife, assistant midwife, ⁵[an auxiliary nurse-midwife or health visitor] addressed according to the registered address or appointment of such person to inquire whether he has ceased to practice or whether his appointment has been changed; and, if no answer is received to any such letter within a period of six months from its dispatch, the Registrar may erase the name of such person from the register in which it is entered ;

Provided that nay name erased under this sub-section may be re-entered in the register under the direction of the Council.

Erasure of registers on **19.** (1) Every Register of Deaths who receives notice of the death names from of any person whose name he knows to be entered in one of the

1.

Subs. by the A. O. 1950 for 'Provl. Govt'.

[2. Subs. by sec. 7 of U. P. Act XIV of 1960.](#)

[3. Subs. by sec. 8 \(1\) \(a\) *ibid.*](#)

[4. Subs. by sec. 8 \(1\) \(b\) *ibid.*](#)

[5. Subs. by sec. 8 \(2\) of U. P. Act no. XIV of 1960.](#)

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notice of registers of nurses, midwives, assistant midwives, ¹[auxiliary nurse-death midwives and health visitors] shall forthwith transmit by post to the Registrar a certificate of such death signed by him and stating particulars of the time and place of death.

(2) One receipt of such certificate or any other reliable information regarding such death, the Registrar shall erase the name of the deceased person from the register in which it is entered.

Removal of and incorrect **20.** Any entry in the registers of nurses, midwives, assistant **fraudulent** midwives, ²[auxiliary nurse-midwives or health visitors] which is proved **entries from** to the satisfaction of the Council to have been fraudulently or incorrectly **registers** made, may be removed under the written order of the Council :

Provided that before action is taken under this section, notice shall be given to the person concerned, whose objections, if any, shall be heard and considered.

Power of prohibit removal from **21.** (1) The Council may, upon reference from the Registrar or **Council to** otherwise, prohibit the entry in, or direct the removal from the registers **entry in or to** of nurses, midwives, assistant midwives ³[auxiliary nurse-midwives or **direct** health visitors] of the name of any nurse, midwife, assistant midwife, **the registers** ⁴[auxiliary nurse-midwife or health visitor] or suspend such person's etc. registration on any of the following grounds, namely —

(a) that such person has been convicted by any court of any non-bailable offence, such conviction not having been subsequently set aside or remitted or the offender pardoned ;

(b) that such person has been guilty of conduct which in the opinion of the Council indicates that she is not a fit or proper person to practice as a nurse, midwife, assistant midwife ³[auxiliary nurse midwife or health visitors] ;

(c) that there are defects in the character of such person which in the opinion of the Council would render the entry in, or the retention of, the name of such person in the registers undesirable :

Provided that no action shall be taken by the Council under this section until after due inquiry (at which an opportunity shall be given to the person concerned to be heard in defence and to appear, either in person or by counsel, vakil, pleader or attorney, and which may, in the discretion of the President of the Council be held in *camera*) the Council by a majority of two-thirds of the members

Subs. by sec. 9 of U.P. Act No. 14 of 1960. 1.

*2. Subs. by sec. 10 *ibid.**

*3. Subs. by sec. 11 (i) *ibid.**

*4. Subs. by sec. 11 (ii) *ibid.**

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present and voting at the meeting of the Council, shall find that there is ground for taking action against the person concerned.)

(2) The Council may direct that the name of any person whom an order has been passed under sub-section (1) entered or re-entered or continue to be entered in the register the case may be.

Appeal of the **22.** Any person aggrieved by an order of the Council under **against order** section 20 or section 21 may, within three months from the date of **Council** receiving notice of such order, appeal to the ¹[State Government] against such order and the decision of the ¹[State Government] on any such **appeal shall be final.**

Persons registered **23.** The following persons shall, subject to the rules and **entitled to be** regulations made under this Act and to the payment of such fees as may **be prescribed,** be entitled to have their names entered in the registers of **nurses, midwives, assistant midwives, auxiliary nurse-midwives or** **health visitors]** ² namely ;

³ (a) Persons who hold qualifications in nursing or midwifery or health visiting recognized under the India Nursing Council Act, 1947 ;

(b) persons who hold assistant midwifery or certified wifery certificates of the U. P. State Medical Faculty; and

(c) persons who may be registered as nurses, midwives, assistant midwives ⁴[auxiliary nurse-midwives or health visitors] under a scheme of reciprocity under the provisions of

section 10 of the India Nursing Council Act, 1947 by the Indian Council of Nursing constituted under the said Act] :

Provided that nurses, midwives, assistant midwives, ⁵[auxiliary nurse-midwives and health visitors] who are at the commencement of this Act enrolled on the registers maintained by ⁶[Uttar Pradesh] State Medical Faculty shall be entitled to have their names transferred according to their qualifications, to the appropriate registers maintained under this Act.

24.7[* * * *]

Registration 25. The certificate of registration under this Act shall not confer **not to qualify** for upon any person any right or title to be registered under the United **registration** Provinces Medical Act, 1917 or to assume any title and name or **under U. P.**

Act III of designation implying that such person is by law recognized as a 1917 registered medical practitioner, or that he or she is entitled to grant, any medical certificate or any certificate of death or still

1.
Subs. by the A. O. 1950 for 'Provl. Govt'.

2. Subs. by sec. 12 (i) of U. P. Act XIV of 1960.

3. Subs. by sec. 5 of U. P. Act XXXV of 1952.

4. Subs. by sec. 12 (ii) of U. P. Act XIV of 1960.

5. Subs. by sec. 12 (iii) of U. P. Act XIV of 1960.

6. Subs. by the A. O. 1950 for the United Provinces.

7. Del. by sec. 6 of U. P. Act XXXV of 1952..

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birth, or to undertake the charge of cases of abnormality or of diseases in connexion with parturition.

Disability of persons 26. Except with the general or special sanction of the ¹[State **unregistered** Government] or of any officer authorized by it in this behalf no person unless registered as a nurse, midwife, assistant wife ²[an auxiliary nurse-midwife or health visitor] shall the commencement of this Act hold in or in connexion with any dispensary hospital, asylum, infirmary, lying-in-hospital or Maternity and child-welfare center which is supported wholly or partially out of public funds any appointment designated as that of matron, superintendent of nursing sister, staff nurse, nurse, midwife, assistant Midwife, ²[an auxiliary nurse-midwife or health visitor] or indicating that the holder has been trained as a nurse, midwife, assistant nurse ²[an auxiliary nurse-midwife or health visitor.]

Disposal of 27. All fees and other monies received by the Council under this fees Act shall be applied for the purposes of this Act in such manner as may be prescribed.

Publication presumption lists 28. (1) The Registrar shall in every year on or before a date to be of and fixed by the Council in this behalf, cause to be printed and published as to entries correct lists of the names for the time being entered in the registers of in annual nurses, midwives, assistant midwives ³[auxiliary nurse-midwives and health visitors] setting forth—

(a) all names entered in the registers, arranged in alphabetical order according to surnames,

(b) the registered address or appointment of each person whose name is so entered in any of 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 entered is not registered under this Act ;

Provided that in case of any person whose name does not appear in such printed lists, a certified copy signed by the Registrar and sealed with the Seal of the Council, of the entry of the name of such person in a register of nurses, midwives, assistant midwives ³[auxiliary nurse midwives or health visitors] shall be evidence that such person is registered under this Act ; and upon the production of such evidence every court shall presume that such person is so registered ;

1.

Subs. by the A. O. 1950 for 'Provl. Govt'.

[2. *Subs.* by sec. 13 of U. P. Act No. 14 of 1960.](#)

[3. *Subs.* by sec. 14 of U. P. Act XIV of 1960.](#)

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Provided also that a certificate signed by the Registrar and sealed with the Seal of the Council, stating that the name of a person borne on the list of nurses, midwives, assistant midwives ¹[auxiliary nurse 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 or she ceased to be registered, and on the production of such evidence every court shall presume that such person ceased to be registered from the date specified.

Power to arrangements **29.** The Council may, with the previous sanction of the ²[State make Government] make such arrangements as it thinks fit for local ~~for local~~ supervision over nurses, midwives, assistant midwives ³[auxiliary nurse-supervision midwives, and health visitors] registered under the Act.

Penalty for dishonest use of certificate, registration by false means and or certificate **30.** Any person who —
 (a) dishonestly makes use of any certificate of registration issued ~~procuring~~ under the provisions of this Act to such or any other person ;
 (b) procures or attempts to procure registration under the ~~falsification~~ provisions of this Act by making or procuring or causing to be made or ~~of registers~~ produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise ; or
 (c) willfully makes or causes to be made any falsification in any matter relating to the registers maintained or the certificate issued under the provisions of this Act, shall be punishable, on conviction, with a fine which may extend to three hundred rupees.

Penalty on persons to be registered **31.** Any person, who, not being registered under the provisions of ~~unregistered~~ this Act, assumes or uses the name or title of a register nurse, midwife, ~~representing~~ assistant midwife, ⁴[an auxiliary nurse-midwife, or health visitor] or use ~~themselves~~ any name, title, addition, description, signboard or other such thing implying that such person is a registered nurse, midwife, assistant midwife, ⁴[an auxiliary nurse-midwife, or health visitor] as the case may be, shall be punishable, on conviction, with a fine which may in the case of a first offence, extend to fifty rupees and, in the case of a second or any subsequent offence, to three hundred rupees.

Cognizance **32.** (1) No court shall take cognizance of any offence punishable ~~of offences~~ under this Act except upon complaint made by order of the ²[State Government] or by the Council with the previous sanction of the ²[State Government].

1.

[Subs.](#) by sec. 14 of U. P. Act XIV of 1960.

2. Subs. by the A. O. 1950 for 'Provl. Govt'.

[3. Subs.](#) by sec. 15 of U. P. Act XIV of 1960.

[4. Subs.](#) by sec. 16 of U. P. Act XIV of 1960.

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(2) No court inferior to the court of a District Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

Rules and **33.** (1) The ¹[State Government] may from time to time, after ~~regulations~~ previous publication, make rules consistent with this Act, to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the power conferred by sub-section (1), the ¹[State Government] may make ²[rules] —

(a) to regulate elections under this Act ;

(b) to prescribe the form or forms of registers of nurses, midwives, assistant midwives ³[auxiliary nurse-midwives and health visitors] to be maintained under this Act ;

(c) to regulate, supervise and restrict within due limits the practice of their profession by registered nurses, midwives assistant midwives, 3[auxiliary nurse-midwives and health visitors],

(d) to prescribe the powers duties and functions of the authorities charged with local supervision ;

(e) to regulate the procedure to be followed by the Council —

(i) in conducting any inquiry under the proviso to section 21 (I) of the Act ; and

(ii) in withdrawing an order prohibiting or spending the entry of any name in the registers or in making a re-entry in the registers of the name of any nurse, midwife, assistant midwife, 4[auxiliary nurse-midwife or health visitor] whose name has been removed from the registers ;

(f) to regulate the procedure to be followed in disposing of appeals from the decisions of the council ; and

(g) to regulate the application of fees and other monies received by the council under or for the purposes of this Act.

(3) In addition to the powers conferred by section 14 the Council may, with the previous sanction of the 1[State Government] make regulations —

(a) to regulate the maintenance of registers and the conditions of admission thereto under section 23 5[* * *] and to prescribe the form of application for such admission ;

1. Subs. by the A. O. 1950 for 'Provl. Govt'.

2. For rules see not. no. 3914/V—308-38, d. Jan. 5, 1939.

3. Subs. by sec. 17 (i) (a) of U. P. Act XIV of 1960.

4. Subs. by sec. 17 (ii) of U. P. Act XIV of 1960.

5. The words and figures 'and section 24' deleted by sec. 7 of U. P. Act XXXV of 1952.

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(b) to regulate the conduct 1[of examinations for nurses, midwives, assistant midwives] 2[auxiliary nurse-midwives and health visitors] or of any 3[other] examinations which may be prescribed as a condition of admission to the register and any matters ancillary to or connected with any such examinations ;

(c) to prescribe the travelling and other expenses, pay-entry of names erased or removed from the register ;

(d) to regulate the publication of annual lists of registered nurses, midwives, assistant midwives, 2[auxiliary nurse-midwives and health visitors] ;

(e) to prescribe the travelling and other expenses payable to the members of the Council or Committees ;

(f) to regulate the accounts of the Council and their audit, and

(g) generally to provide for any matters with respect to which the Council think provision should be made for the purposes of this Act, and to prescribe anything which under this Act is to be prescribed.

Certain public **34.** Every person appointed under sub-sections (1) and (2) of **persons to be** section 16 shall be deemed to be a public servant within the meaning of **servants Act** section 21 of the Indian Penal Code.

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Procedure in appeals **35.** For the purpose of any inquiry held under section 21 the **inquiries and** Council shall be deemed to be a court within the meaning of the Indian **Act I of 1872** Evidence Act, 1872, and shall exercise the powers of a Commissioner

Act XXVII of appointed under the public Servants (Inquiries) Act, 1850 and every **1850** such inquiry shall be conducted, as far as may be, in accordance with the provisions of section 5 and section 8 to 10 of the said Public Servants (Inquiries) Act, 1850.

Bar to suit proceedings **36.** No suit or other legal proceedings shall lie in respect of an **and legal** act done in good faith in the exercise of a power conferred by this Act on the 5[State Government] the Council or the Registrar.

Control of State **37.** If at any time it shall appear to the s[State Government] that **Council by Government** the Council has failed to exercise or has exceeded or abused power **Government** conferred upon it by or under this Act or has failed to perform a duty imposed upon it by or under this Act, the s[State Government]

1. *Ins.*
by sec. 5 (i) of U. P. Act XVI of 1948.

2. *Subs.* by sec. 17 (ii) of U. P. Act XIV of 1960.

3. *Ins.* by sec. 5 of U. P. Act XVI of 1948.

5. *Subs.* by the A. O. 1950 for 'Provl. Govt'.

[The United Provinces Nurses, Midwives, Assistant Midwives (Auxiliary Nurse-Midwife And Health Visitors) Registration Act, 1934]

may if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the 1[State Government] may fix in this behalf, the 1[State Government] may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as it may think fit :

Provided that it shall take steps as soon as may be convenient to constitute a new Council in accordance with the terms of section 4.

1.
Subs. by the A. O. 1950 for 'Provl. Govt'.

