The Delhi Nursing Council Act, 1997

Act 3 of 1999

Keyword(s):
Auxiliary Nurse Midwife, Council, Female Health Assistant or Supervisor, Inspector, Nurse
DEPARTMENT OF LAW JUSTICE AND LEGISLATIVE AFFAIRS

Notifications
Delhi, the 11th March, 1999

No.F.145/97-99/L.A./78.—The following Act of the Legislative Assembly received the assent of the President on 4-3-1999 and is hereby published for general information.

The Delhi Nursing Council Act, 1997
(Delhi Act No. 3 of 1999)

AN ACT

To provide for the constitution of the Delhi Nursing Council for regulation and training of nursing personnel (nurses, mid-wives, auxiliary nurse midwives/female health worker/female health assistant/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:

7. कठिनाइयों का नियन्त्रण — ऐसे कठिनाइयों के तीनों को ग्रस्त छोड़ने में नए कोई कार्यवाही उल्लेख हो सकती है। संरक्षण संकरीय रूपों में भ्रष्टाचार लगभग लागू होते हैं। इसके प्राथमिक स्थान जो कि इस

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CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Delhi Nursing Council Act, 1997.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,

(a) "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;

(b) "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;

(c) "council" means the Delhi Nursing Council constituted under section 3;

(d) "female health assistant or supervisor" means a person who possesses a certificate from an institution recognised and registered under section 13;

(e) "Government" means the Government of the National Capital Territory of Delhi;

(f) "licensing authority" means an officer authorised by the Government to issue licences under this Act;

(g) "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;

(h) "Inspector" means a nurse appointed by the Council;

(i) "list" means a list of nurses, midwives, auxiliary nurse-midwives or female health workers or female health assistants or supervisors maintained under section 16;

(j) "member" means a member of the Council;

(k) "nurse" means a person who possesses a certificate in nursing and midwifery from an institution recognised in this behalf and registered with the council:

(l) "prescribed" means prescribed under the rules;

(m) "President" means the President of the Council;

(n) "register" means a register maintained under section 15;

(o) "registered" means registered in accordance with the provisions of section 13;

(p) "registrar" means Registrar appointed under section 19;

(q) "regulation" means a regulation made by the Council under this Act.

(r) "rule" means a rule made by the Government under this Act, by notification in the Official Gazette.

CHAPTER II
Delhi Nursing Council

3. Constitution and incorporation of the Council.—(1) The Government shall, as soon as may be after the commencement of this Act, constitute a Council called 'The Delhi Nursing Council'. The Council shall consist of the following members, namely:

(a) The Director of Health Services, Government of National Capital Territory of Delhi—Ex-Officio.

(b) The Director of Indian System of Medicine and Homoeopathy—Ex-Officio.

(c) The Medical Officer of Health, Municipal Corporation of Delhi—Ex-Officio.

(d) The Nursing Advisor to the Government of India—Ex-Officio.

(e) Three Nursing Chief Officers of the hospitals in the National Capital Territory of Delhi to represent one hospital each, to be nominated by the Government by rotation, from the following:

(i) Hospitals of Central Government;

(ii) Hospitals of Government of National Capital Territory of Delhi;


(f) Two Members of the Legislative Assembly of the National Capital Territory of Delhi to be nominated by the Speaker of the Assembly.

(g) Three persons to be nominated by the Government to represent interest, and
President and Vice-President of the Council shall be elected from amongst the members to come to the procedure as may be prescribed.

5. Meetings of the Council. (1) The Council shall meet at least once in a year and may also meet as many times as necessary in a year to transact its business.

(2) The President, when present, shall preside over meetings of the Council and in his absence the Vice-President shall preside. In case both are absent, any other member elected by the members present from amongst themselves shall preside at such meetings.

(3) All transactions of business at a meeting shall be decided by majority vote.

(4) In the case of equal votes, the President shall have a casting vote.

6. Quorum. The quorum necessary for the transaction of business at a meeting of the Council shall be one-third of the total number of members including the President.

Provided that if at any meeting of the Council a quorum is not present, the President or the presiding member, as the case may be, shall adjourn the meeting to such hour of the day or some future day, as he may notify by notice on the notice board at the office of the Council. The business before the original meeting shall be brought before the adjourned meeting and may be disposed of at such meeting or may be adjourned without thereof, whether there be a quorum present or not.
7. Vacancies in the Council not to invalidate Act, etc.—No act or proceeding of the Council shall be invalid by reason of existence of a vacancy in the Council or on account of any defect or irregularity in its constitution.

8. Executive Committee.—The Executive Committee shall consist of five members who shall be elected by the Council from amongst its members in the manner as may be prescribed.

9. Other Committees.—The Council may constitute sub-committees for such purposes as the Council considers necessary.

10. Staffing of Council.—(1) 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 necessary.

(2) The Council shall adopt the Central Civil Services Rules mutatis mutandis.

(3) 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.

(4) The Council may, with the previous sanction of the Government, suspend dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him in the manner as may be provided by regulations.

(5) The Registrar shall be the Secretary and the Executive Officer of the Council. He shall attend all meetings of the Council, and of its Executive Committee, and shall keep minutes of the meetings and names of members present and of the proceedings of such meetings.

(6) The accounts of the Council shall be kept by the Registrar, in the manner as prescribed by regulations.

(7) The Registrar shall have such supervisory powers over the staff as may be prescribed by regulations and may perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed by regulations.

(8) The Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

11. Fees and Allowances for meetings.—The President and other members of the Council shall be paid such fees and allowances as may be prescribed by regulations.

12. Income and Expenditure of the Council.—

(1) The income of the Council shall consist of:

(a) registration fees received from practitioners;

(b) grants received from the Government, if any; and

(c) gifts and donations or any other money raised by the Council.

(2) The Council shall apply the money so received under sub-section (1) in such manner as may be prescribed.

CHAPTER III
REGISTRATION AND ENLISTMENT

13. Registration of nurses, midwives, nurse midwives/female health workers, female assistants/health supervisors.—(1) Any person fulfils academic qualifications and training prescribed under the regulations shall be registered on payment of such fees as prescribed, in the said register for a period of five years.

(2) The Council shall follow such procedure as may be prescribed by regulations.

(3) For the purpose of an appeal under the provisions 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 Servants (Inquiries) Act, 1950:

Provided that nothing contained in any Act shall prevent the Council from holding an inquiry at hearing.

14. Fee for renewal of registration.—Any person shall renew his/her registration in the manner prescribed by regulations and on payment of fees.

15. Registers to be maintained.—(1) The Registrar shall maintain such registers as may be prescribed.

(2) It shall be the duty of the Registrar to keep the registers, from time to time, to the same and to issue certificates of registration in accordance with the provisions of this Act, and rules made thereunder.
16. Maintenance of list of persons practising as nurse, auxiliary nurse midwife, female health worker, female health assistant health supervisor.—

(1) The Council shall keep a list of such persons as are not eligible for registration under section 13 but who are practising as nurses.

(2) If a person who, not being qualified for registration under this Act, proves within ninety days from the date of commencement of this Act, to the satisfaction of the Council that he was in regular practice as a nurse for a period not less than two years before such commencement, shall on payment of such fees as may be prescribed be entitled to have his name entered in the list:

Provided that any person whose name has been removed from the register maintained under this Act or under any other law for the time being in force in any part of India, or from the register of any other country on the ground of any professional or other misconduct, shall not be entitled to have his name entered in the list.

(3) The provisions of sections 13, 14 and 15 shall mutatis mutandis apply to such list.

17. Persons not registered or not in the list not to practise or be employed as nurses, etc.—No person other than a person registered under this Act or a person whose name is entered in the list under section 16 shall practise directly or by implication as practising habitually or for personal gain as a nurse.

18. Supply of orders of the Council or the Registrar or of any entry in the Register or list.—Copies of any order passed by the Council or the Registrar or of any entry in the register or in the list shall be supplied on payment of such fees as may be prescribed by regulations.

19. Publication of Registers and list.—(1) The Registrar shall, on or before a date to be fixed in this behalf by the Council and thereafter every year, cause to be printed and published the names for the time being entered in the registers.

(2) The provisions of sub-sections (1) and (2) in shall mutatis mutandis apply to the publication of the list prepared under section 16.

CHAPTER IV

Nurses, Auxiliary nurse midwife, Female Health Worker, Female Health Assistant/Health Supervisors entitled to practise and control licensing authorities.

20. Licensing and Supervision.—(1) Subject to the provisions of this Act and the rules and regulations made thereunder, every licensing authority shall exercise general supervision and control on the nurses, auxiliary nurse midwives, female health workers, female health assistants, health supervisors practising within the area under its jurisdiction.

(2) The licensing authority may delegate any of its powers to such officer as may be authorised in this regard.

21. Notice to licensing authority before commencement of practice.—(1) Every person registered under this Act who intends to practise anywhere in the National Capital Territory of Delhi as a nurse, auxiliary nurse-midwife, female health worker, female health assistant-health supervisor, shall give notice in writing to the licensing authority in the month of January and every five years thereafter during the period if he continues to practise within the said area.

(2) Every such notice shall contain such particulars and shall be in such form as may be prescribed.

22. Recognition of training institutions.—(1) No nursing educational institute shall be started without the prior approval of the Council and the Government.

(2) The Council may, by regulations specify examinations to be held as laid down by the Indian Nursing Council constituted under the Indian Nursing Council Act, 1947 (XL VIII of 1947) from time to time.

(3) The Council may in accordance with the regulations and after inspections and such inquiry as it deems fit, recognise any institution for training of nurses, auxiliary nurse midwives, female health workers, female health assistants/health supervisors for appearing at any examination held by the Council.

(4) No school, hospital or other institution which is not approved and recognised under this section shall issue to any person a certificate or enter the name of any person in any document purporting to show that such person is qualified by reason of having passed any examination or undergone any course of training to practise as a nurse, auxiliary nurse midwife, female health worker, female health assistant, health supervisor unless his/her name is registered under this Act or entered in the list.

(5) No person shall issue any certificate to any person who does not fulfil the regulations of the Indian Nursing Council.

(6) No registered hospital, nursing home or diagnostic centre shall employ nursing personnel who do not possess the minimum requisite qualification laid down in the Indian Nursing Act, 1947.

23. Appeal against refusal to recognise Institution. — Any person aggrieved by any decision of the
Regisrar under this Act including a decision refusing to approve and recognize any institution to train nurses, auxiliary nurse midwives, female health workers, female health assistants, health supervisors may appeal within sixty days from the date on which such decision is communicated to him, to the Council which shall hear and determine the appeal in the prescribed manner. The decision of the Council under this Act shall be final.

24. Affiliation.—The Council, may in accordance with the regulations and after inspection and holding such inquiry as it deems fit, affiliate to any institution or hospital for preventive, promotion curative, and rehabilitative nursing care of clients or patients.

25. Withdrawal of recognition.—(1) When upon report by the Executive Committee, it appears to the Council—

(a) that the courses of study and training and the examinations to be gone through in order to obtain a recognised qualification from any authority in any State or Union territory or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Act or fail short of the standards required thereby, or

(b) that an institution recognised by the Council for the training of nurses, auxiliary nurse midwives, female health workers, female health assistants, health supervisors does not satisfy the requirements of the Council,

then the Council shall send to the Government of the State/Union territory in which the authority or institution, as the case may be, is situated a statement to such effect and the State Government/Union territory Administration shall forward it, along with such remarks as it may think fit to the authority or institution concerned and in a case referred to in clause (b) to the Council at a with an intimation of the period within which the authority or the institution may submit its explanation to the Government.

(2) On receipt of the explanation or, where no explanation is submitted within the period fixed, then on the expiry of the period fixed, the Council shall make its recommendations to the Council.

(3) The Council, after such further inquiry, if any, as it may think fit to make, and in a case referred to in clause (a) of sub-section (1) after considering any remarks which the Council may have addressed to it, may declare—

(a) in a case referred to in clause (a) of this section that the qualifications granted by another concern shall be recognized only when granted before the specified date, or

(b) in a case referred to in the said sub-section, that such person from the date specified in the declaration any person holding a recognised qualification whose period of training study preparation to the point of the location passed at the institution concerned shall be entitled to be registered only in State/Union territory in which the institution is situated.

(4) The Council may declare that any qualification granted outside the Delhi by any State/Union territory shall be a recognised qualification or after a specified date.

CHAPTER V
MISCELLANEOUS

26. Penalties.—(1) Any person who acts in contravention of the provisions of section 17 shall, on conviction be punished with fine which may extend to two thousand rupees for the first offence, to five thousand rupees for the second offence; and to thousand rupees for any subsequent offence. Sentence may be commensurate with the gravity of offence.

(2) Any person who fails to comply with provisions of sub-section (1) of section 22 shall, on conviction, be punished with fine which may extend to ten thousand rupees and shall also be liable to imprisonment which may extend to three months.

(3) Any person who fails to comply with provisions of sub-section (4) of section 22 shall, on conviction, be punished with fine which may extend to five thousand rupees or with imprisonment for a term which may extend to six months or both.

(4) Any person found issuing a certificate in violation of sub-section (5) of section 22 shall, on conviction, be punished with fine which may extend to five thousand rupees or with imprisonment for a term which may extend to six months or both.

(5) Any registered hospital or nursing home diagnose a case found appointing any nurse personnel who does not possess the minimum qualification laid down under the Indian Nursing Council Act, 1947 or conviction.
DELI GAZETTE : EXTRAORDINARY

A company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation—For the purposes of this section—
(a) "director" in relation to a firm, means a partner in the firm.

(b) "company" means a body corporate, includes a firm or other association or individuals; and

30. Cognizance of Offences.—No Court shall take cognizance of any offence under this Act except on a complaint made with the previous sanction of the Council.

31. Exemption of registered medical practitioners from the provisions of this Act.—Nothing in this Act shall apply to a registered medical practitioner.

Explanation.—In this section a registered medical practitioner means a person practising medicine and, registered as such under any law relating to the registration of persons practising medicines.

32. Power of Government to dissolve and reconstitute the Council.—If at any time, it appears to the Government that the Council has failed to exercise or exceeded or abused any of its powers conferred upon it under this Act, or failed to perform the duties conferred upon it by or under this Act, it may by an order published together with a statement of the reasons therefore, in an official Gazette, dissolve the Council and in case of dissolution of the Council cause all or any of the powers, duties and functions of the Council to be exercised, performed and discharged by an administration who is qualified as Senior Nursing Officer till a new Council is constituted.

33. Audit.—The accounts of the Council shall be audited in such manner as may be prescribed.

34. Power to make rules.—(1) The Government may, by notification in the official Gazette, and subject to the condition of previous publication make rules to carry out the purposes of this Act. Such rules may be made to provide for all or any matters expressly required or allowed by this Act to be prescribed by rules.
(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules for all or any of the following matters, namely:

(a) the manner in which the President and the Vice President of the Council shall be elected under sub-section (3) of the section 3;

(b) the manner in which the meetings of the Council shall be convened, held and conducted under sub-section (1) of section 5;

(c) the manner in which the members of the Executive Committee shall be elected under Section 8;

(d) the manner in which the money received by the Council shall be applied under sub-section(2) of section 12;

(e) the procedure to be followed by the Council in disposing of appeals under sub-section (3) of section 13 and section 23;

(f) the Form of register to be maintained under section 15;

(g) the Form of list to be maintained under section 16;

(h) the Form of notice to be given to the licensing authority under section 21;

(i) the auditing of the accounts of the Council under section 33.

35. Power to make regulations.—(1) The Council may, with the previous sanctions of the Government, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act or the rules made thereunder to carry out the purposes of this Act. 

(2) Without prejudice to the generality of the foregoing powers, such regulations may provide for—

(a) the payment of allowances to the President and other members of the Council and to other members of the Committees;

(b) the duties, powers, leave, suspension, removal and other terms and conditions of service of the Registrar, officers, and servants of the Council and the payment of salaries or allowances to such persons;

(c) the manner, in which the accounts of the Council shall be kept by the Registrar;

(d) the supervisory powers of the Registrar over the staff;

(e) the conditions and restrictions which shall be complied with and the courses of training and examination which are to be completed and passed by persons for registration under sub-section (1) of section 13;

(f) the fee payable for registration under sub-section (1) of section 13, the renewal registration under section 14 and the entry of names removed from the registers and the fee payable for such removal under sub-section (2) of section 16;

(g) the fee payable for the copies of the orders of the Council or of the Registrar and for the supply of a copy of any entry from the register or list;

(h) prescription of regulations for affiliation under section 24;

(i) dress code for nurses.

36. Repeal and Saving.—(1) As from the date of the commencement of this Act, the Punjab Nurse Registration Act, 1932 as in force in the National Capital Territory of Delhi shall stand repealed.

(2) Notwithstanding the provisions of sub-section (1) of this section—

(a) the previous operation of the provisions repealed or anything duly done or suffered thereunder;

(b) subject to the provisions of sub-section (1), anything done or any action taken under the Act hereby repealed shall, in so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

37. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order published in the official Gazette, make such provision not inconsistent with the provision of this Act as appear to it to be necessary or expedient for the purposes of removing difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.
38. लाइन्ग व नियम निर्माण — जब तक तद्देश में सरकार शासित न हों तब तक इन नियमितियों में —
(२) नियम सन्दर्भ में जब वह निविड निविड में अवसर (१) के प्रवत्त में शासित के उपरेश (२) की भविष्यवाणी न हो।
(३) भारतीय नियमितिय (डिजिटल नियमित) का वर्तमान वर्तमान निल्य व युनानी वन्य तनाव सहित युनानी चिकित्सा वमन की सभी आदेश में वर्तमान वन्य चिकित्सा प्रक्रियाकल्पना।
(४) "संगठन" का वर्त (उपरोक्त) नियम का अंत, चोरी को काटने का अंत, चोरी को काटने का अंत रह पहले नियम व वर्तमान वर्तमान वर्तमान के में है।
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(६) "वर्तमान वर्तमान" का वर्त (उपरोक्त) नियम का अंत, चोरी को काटने का अंत, चोरी को काटने का अंत रह पहले नियम व वर्तमान वर्तमान वर्तमान के में है।
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(९) "वर्तमान वर्तमान" का वर्त (उपरोक्त) नियम का अंत, चोरी को काटने का अंत, चोरी को काटने का अंत रह पहले नियम व वर्तमान वर्तमान वर्तमान के में है।