



The Gujarat Nurses, Midwives and Health Visitors Act, 1968

Act 24 of 1968

Keyword(s):

Affiliated Institution, By-Law, Council, Election, Institution, Licensing Authority, List, Member, Midwife, Nurse, Nurse Establishment, Register, Registered Medical Practitioner

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. IX] MONDAY, DECEMBER 9, 1968/AGRAHAYANA 18, 1890

Separate paging is given to this Part in order that it may
be filed as a separate compilation

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made
by the Governor

The following Act of the Gujarat Legislature having been assented to by the
President on the 2nd December 1968 is hereby published for general information.

SUMANT M. VIDYARTHI,
Secretary to the Government of Gujarat
Legal Department.

GUJARAT ACT NO. 24 OF 1968.

(First published, after having received the assent of the President in the "*Gujarat
Government Gazette*" on the 9th December 1968.)

An Act to consolidate and amend the law relating to Nurses, Midwives and Health
Visitors in the State of Gujarat.

It is hereby enacted in the Nineteenth Year of the Republic of India as
follows:—

PART I.

PRELIMINARY

1. (1) This Act may be called the Gujarat Nurses, Midwives and Health Visitors Act, 1968.
- (2) It extends to the whole of the State of Gujarat.

Short title,
extent,
commence-
ment and
application.

(3) (a) Parts I, II, III, VI and VII of this Act shall come into force at once in the whole of the State of Gujarat and shall apply to all persons referred to therein.

(b) Part IV shall come into force on such date and shall apply to such class of persons and in such areas as the State Government may, by notification in the *Official Gazette*, appoint.

(c) Part V shall come into force in the Bombay Area of the State of Gujarat and shall apply to all persons referred to therein. It shall come into force in such other area of the State on such date as the State Government may, by notification in the *Official Gazette*, appoint and on such application it shall apply to all persons referred to therein.

Definitions.

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

(a) "affiliated institution" means an institution for the nursing of the sick, maternity or child welfare, which may be affiliated to the Council in accordance with the by-laws;

(b) "by-law" means a by-law made by the Council under section 30;

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

(d) "election" includes a by-election;

(e) "institution" includes any association, which maintains or controls a nurses' establishment;

(f) "licensing authority" means in the case of—

(i) a City within the meaning of the Bombay Provincial Municipal Corporations Act, 1949, the municipal corporation constituted for such City, Bom.
LIX of
1949.

(ii) a municipal borough within the meaning of the Gujarat Municipalities Act, 1963, a municipality constituted for such municipal borough; Guj.
34 of
1964.

(iii) a gram or nagar within the meaning of the Gujarat Panchayats Act, 1961, the gram panchayat or as the case may be, the nagar panchayat constituted therefor: Guj.
VI of
1962.

Provided that the State Government may, by notification in the *Official Gazette*, in respect of any area specify any other authority as the licensing authority for such area;

(g) "list" means a list of nurses, midwives and health visitors prepared and kept under section 17;

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

(i) "midwife" includes auxiliary nurse midwife and health visitor;

(j) "nurse" includes a male nurse and an auxiliary nurse;

(k) "nurses establishment" means any establishment, whether carried on for gain or not, which provides for or is intended to provide for the services of persons to act as nurses, midwives or health visitors to those requiring such services;

(l) "prescribed" means prescribed by rules or bye-laws;

(m) "register" means a register maintained under section 12 and the expressions "registered" and "registration" shall be construed accordingly;

(n) "registered medical practitioner" means—

Bom.
VI of
1912.

(i) a person registered under the Bombay Medical Act, 1912, or under that Act as adapted and applied to the Saurashtra Area of the State or under that Act as applied to the Kutch Area of the State or under any corresponding law;

Guj.
XXX.
VI of
1963.

(ii) a registered practitioner as defined in the Gujarat Homoeopathic Act, 1963; or

Guj.
6 of
1964.

(iii) a registered practitioner as defined in the Gujarat Medical Practitioners Act, 1963;

(o) "rule" means a rule made by the State Government under this Act.

PART II.

THE GUJARAT NURSING COUNCIL

3. (1) With effect from such date as the State Government may, by notification in the *Official Gazette* notify, there shall be established for the purposes of this Act a Council to be called "The Gujarat Nursing Council". The Council shall be a body corporate and have perpetual succession and a common seal and may, by the said name, sue and be sued, and shall be competent to acquire and hold property, both movable, and immovable, and to contract and do all things necessary for the purposes of this Act.

Establishment, incorporation and constitution of the Council.

(2) The Council shall consist of the following members,—

(a) as ex-officio members,—

(i) the Director of Health and Medical Services, Gujarat State;

(ii) the Superintendent of Nursing Services, Government of Gujarat;

(iii) Regional Nursing Supervisor, Government of Gujarat.

(b) as elected members,—

(i) two persons to be elected by nurses, midwives and health visitors registered in the register referred to in section 12 from amongst themselves;

(ii) one person to be elected by the heads of the affiliated institutions from amongst themselves;

(iii) three persons to be elected as follows :—

(a) two, by the matrons of the affiliated institutions imparting training in general nursing and midwifery from amongst themselves;

(b) one, by the matrons of the affiliated institutions imparting training for auxiliary nurse mid-wife from amongst themselves;

(iv) one person to be elected by the sister tutors of the affiliated institutions from amongst themselves;

(v) one person to be elected by the Gujarat Medical Council from amongst its members;

(vi) one person to be elected by the Gujarat Territorial branch of the Indian Medical Association from amongst its members;

(vii) one person to be elected by the members of the Faculties of Nursing of the Universities established by law in the State of Gujarat, which confer a degree in Nursing from amongst themselves.

(c) as nominated members, three persons to be nominated by the State Government.

(3) The President and Vice-President of the Council shall be elected by the members of the Council from amongst themselves.

(4) The election of the President and Vice-President shall, subject to the provisions of this Act, be held at such time and place and in such manner as may be prescribed by rules.

(5) Notwithstanding anything contained in the foregoing provisions of this section and in section 5,—

(i) in respect of the constitution of the Council for the first time under this Act, the members thereof other than ex-officio members shall be nominated by the State Government from amongst persons qualified to be elected as members of the respective class;

(ii) the other members so nominated shall hold office for such period not exceeding three years in the aggregate as the State Government may, by notification in the *Official Gazette*, specify.

4. If any of the classes of persons or institutions referred in section 3 does not, by such date as may be prescribed, elect a person to be a member of the Council, the State Government shall, by order in writing, appoint to the vacancy a person qualified for election thereto; and the person so appointed shall be deemed to be a member of the Council as if he had been duly elected by the said class of persons or institution, as the case may be.

5. (1) The members of the Council, other than the ex-officio members specified in clause (a) of sub-section (2) of section 3, shall hold office for a term of five years from the date of their election or nomination as the case may be, or until their successors have been duly elected or nominated as the case may be, which ever is longer and shall be eligible for re-election or re-nomination, as the case may be.

(2) Any such member may at any time resign his appointment by letter addressed to the President of the Council. The resignation shall take effect from the date on which it is accepted by the Council or on the expiry of sixty days from the date of the receipt of the letter by the President whichever event occurs earlier.

6. When a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed. Any person elected or nominated to fill a casual vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

7. If a vacancy in the office of a member of the Council has occurred, the continuing members thereof shall act as if no vacancy had occurred, and no act or proceeding of the Council shall be deemed invalid 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.

8. No person shall be a member of the Council—

(a) who has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months or to transportation, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence, or

(b) who is an undischarged insolvent, or

Appointment
of members in
default of
election.

Term of
office of
members.

Vacancy.

Vacancy not
to affect pro-
ceedings.

Disqualifica-
tions.

- (c) who has been adjudicated by a competent court to be of unsound mind, or
- (d) whose name has been removed from the register.

Disabilities
from Conti-
nuing as
member.

9. (1) If any member, during the period for which he has been elected or nominated,—

(a) absents himself without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(b) is absent out of India for a period exceeding eight consecutive months; or

(c) becomes subject to any of the disqualifications specified in section 8; or

(d) having been elected by the Gujarat Medical Council, ceases to be a registered medical practitioner;

(e) having been elected by any of the institutions, associations or Faculties mentioned in paragraph (ii), (iii), (iv); (vi) or (vii) as the case may be of clause (b) of sub-section (2) of section 3 ceases to be a member of the institution, Association or Faculty concerned;

The President of the Council shall forthwith report the fact to the State Government, which shall thereupon, by an order in writing, declare his seat to be vacant.

(2) If any question arises whether a vacancy has occurred under sub-section (1), the orders of the State Government shall be final for the decision of such question.

Leave of
absence to
members.

10. The Council may permit any member to absent himself from the meetings of the Council for any period not exceeding eight months.

Elections to
be held by
distributive
system of
voting.

11. All elections under this Act shall be made according to the distributive system of voting.

Explanation.—The distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled:

Provided that no voter shall give more than one vote to any one candidate:

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

PART III.

REGISTRATION

Maintenance
of register.

12. The Council shall prepare and maintain a register of nurses, midwives and health visitors, in such form, containing such particulars and divided into such parts and sections as may be prescribed.

13. (1) Any person who has undergone such courses of training and has passed such examinations and who fulfils such other conditions as may be prescribed or any person who possesses any of the qualifications included in the Schedule to the Indian Nursing Council Act, 1947, shall, subject to any conditions laid down by or under the said Act, at any time on an application made in the prescribed form to the Registrar and on payment of the prescribed fee and on presentation of his degree, diploma or certificate, be entitled to have his name entered in the register.

XL
VIII
of
1947.

Persons
entitled to
registration.

(2) Notwithstanding anything contained in sub-section (1) the name of every person which was entered in the register duly maintained under the Bombay Nurses, Midwives and Health Visitors Act, 1954 and in force immediately before the coming into force of this Part in the Bombay area of the State of Gujarat, shall, without further fee or charge, be entered in the register to be prepared and maintained under this Act and shall continue thereon for the period for which such registration was made or renewed, as the case may be, unless removed earlier under the provisions of this Act.

Bom.
XIV
of
1954.

(3) (i) Any person who desires to be registered temporarily under clause (b) of sub-section (2) of section 11 of the Indian Nursing Council Act, 1947, shall make an application in the prescribed form to the Registrar and shall pay the prescribed fee. On receipt of such application, the Registrar shall seek the approval of the President of the Council constituted under the said Act for temporary enrolment of the applicant in the register.

XL
VIII
of
1947.

(ii) Every person whose name is entered in the register under clause (i) shall be given a certificate of temporary registration in the prescribed form. Such certificate shall remain in force for such period as may be specified therein.

(iii) Any person who possesses temporary registration under clause (i) shall not be eligible to stand as a candidate or to vote at any election held under this Act.

14. (1) Subject to such conditions as may be prescribed, the Council may, after giving an opportunity to the person concerned to be heard in his defence and after holding an inquiry in the prescribed manner, refuse to enter in the register the name of any person or may order the removal of the name of such person from the register.

Refusal of
registration
and removal
and re-entry
of names.

(2) The order passed under sub-section (1) shall be in writing and shall be served on the person concerned in the prescribed manner.

(3) The Council may direct that the name of any person against whom an order under sub-section (1) has been passed shall be entered or re-entered, as the case may be, in the register.

15. (1) Any person aggrieved by any order of the Council made under section 14 may, within three months from the date on which such order is served on him, appeal against such order to the State Government.

Appeal from
order under
section 14.

(2) The order of the State Government on any such appeal shall be final.

Renewal fee. 16. (1) Notwithstanding anything contained in section 13, the Council may direct that for every five years a renewal fee of such amount as may be approved by the State Government shall be paid by each person registered under the Act for the continuance of his name on the register.

(2) If the renewal fee is not paid before the date fixed by the Council, the Council shall remove the name of the defaulter from the register:

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as the Council may by by-laws direct.

Maintenance of list of persons practising as nurses, midwives and health visitors. 17. (1) The Council shall prepare and keep a list of persons whose names are not entered in the register maintained under section 12 and who are practising as nurses, midwives and health visitors. The list shall be divided into such parts as may be determined by the Council.

(2) Every person not being qualified for registration under this Act, who within a period of three years from the date on which this part comes into force, proves to the satisfaction of the Council that he has been in regular practice as a nurse, midwife or health visitor and fulfils such other conditions as may be determined by the Council shall, on payment of the prescribed fee, 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 relating to registration of nurses, midwives and health visitors for the time being in force in any other part of India or from the corresponding register of any other country for infamous conduct in any professional respect shall not be entitled to have his name entered in the list.

(3) Notwithstanding anything contained in sub-section (2), Dais or Emergency Nursing Aides who may have received training in accordance with the bye-laws laid down by the Council shall be entitled to have their names entered in the list to be prepared and kept under sub-section (1), on payment of the prescribed fee.

(4) The provisions of sections 14, 15 and 16 shall *mutatis mutandis* apply to such list.

PART IV

NURSES, MIDWIVES AND HEALTH VISITORS ENTITLED TO PRACTISE AND CONTROL OF LICENSING AUTHORITIES.

Persons not registered or on the list not to practise as nurse etc. 18. (1) No person other than a person registered under this Act or a person whose name is entered in the list shall practise or hold himself out, whether directly or by implication, as practising habitually or for personal gain as a nurse, midwife or health visitor.

(2) Any person who acts in contravention of the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to one hundred rupees for the first offence, to two hundred rupees for the second offence and to three hundred rupees for any subsequent offence.

19. (1) Notwithstanding anything contained in section 18 a person whose name has been entered in the list shall not practice as a nurse, midwife or health visitor in an area within the limits of a municipal corporation or a municipal borough unless he—

Conditions of practice in certain areas.

(a) has been in regular practice as a nurse, midwife or health visitor for a continuous period of five years prior to the date on which this section has come into force, or

(b) has been in regular practice as a nurse, midwife or health visitor for a continuous period of two years prior to the date on which this section has come into force and produces a certificate from a hospital or nursing home approved by the Council in this behalf signed by the Matron, Medical superintendent or other responsible officer of such institution that such person has undergone such courses of instruction or has received the training as a nurse, midwife or health visitor in such manner as may have been prescribed by by-laws;

(2) The State Government may, after consultation with the district panchayat direct by a notification in the *Official Gazette*, that the provisions of sub-section (1) shall apply on such date as may be specified therein to any other area in the district, subject to such adaptations and modifications as it may consider suitable having regard to the local conditions of the area.

20. (1) Subject to the provisions of this Act and the rules and by-laws made in this behalf, every licensing authority shall exercise general supervision and control over the nurses, midwives and health visitors practising within the area under its jurisdiction.

Licensing authority to exercise general supervision.

(2) The licensing authority may authorise any of its officers to perform any of the duties and to exercise any of the powers conferred on it by this section and section 21.

21. (1) Every person registered under this Act or every person whose name has been entered in the list if he intends to continue to practise after the date on which this Part comes into force in any area or if either of such persons intends to practise in such area as nurse, midwife or health visitor, he shall give a like notice in writing to the licensing authority in the month of January every five years thereafter during the period he continues to practise within the said area.

Notice to licensing authority before commencement of practice.

(2) Every such notice shall contain such particulars and shall be in such form as may be determined by the Council.

(3) Any person who fails to comply with the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to twentyfive rupees for the first offence, to fifty rupees for the second offence and to one hundred rupees for any subsequent offence.

(4) Any person who knowingly or wilfully makes or causes or procures any other person to make any false statement in any notice under this section shall, on conviction, be punished with fine which may extend to one hundred rupees for the first offence, to two hundred rupees for the second offence and to three hundred rupees for any subsequent offence.

PART V.

NURSES ESTABLISHMENTS.

Regulation
of nurses
establish-
ments.

22. (1) No person shall carry on any nurses establishment, except under a valid licence granted by the licensing authority and in accordance with such terms and conditions as may be specified in such licence, and approved by the Council.

(2) Any person who desires to carry on any nurses establishment shall apply to the licensing authority for a licence before such date and in such manner and in such form as may be prescribed. He shall along with the application pay to the licensing authority the prescribed fee, half of which shall be refunded to him if the licence is not granted.

(3) The licensing authority may before granting such licence impose, in consultation with the Council, such additional conditions as it may think fit for securing the proper conduct of the establishment.

(4) The licensing authority may, after giving an opportunity to the person concerned of being heard, refuse to grant any licence or revoke any licence in consultation with the Council, if—

(i) the applicant or the holder of the licence is below 21 years or is in its opinion not a suitable person to hold such licence; or

(ii) the premises of the establishment are not suitable; or

(iii) any offence under this section has been committed in respect of the establishment.

(5) Any person aggrieved by any of the conditions imposed by the licensing authority or by the refusal or revocation of any licence may appeal within three months of such imposition, refusal or revocation to the State Government. The memorandum of appeal shall be accompanied by such fee as may be prescribed. The decision of the State Government on such appeal shall be final.

(6) The licensing authority may authorise any of its officers to perform any of the duties conferred on it by this section.

(7) Any officer duly authorised by the licensing authority in this behalf may at all reasonable times enter the premises specified in any licence or application for licence or any premises which are used, or which the officer has reasonable cause to believe are used, for the purpose of, or in connection with, the nurses establishment and inspect the premises and any records relating to such establishment as may be kept thereon.

(8) The Council may also exercise the powers of entry and inspection conferred by sub-section (7) through any of its officers authorised by it in this behalf. If the Council is of opinion that in any case the licence should be refused or revoked, it shall report the matter to the State Government. On receipt of such report, the State Government may after consultation with the licensing authority or after making such inquiry as it deems fit pass orders refusing or revoking the licence. Such order shall be final.

(9) Any person who contravenes the provisions of sub-section (7) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees for the first offence and for any subsequent offence which may extend to five hundred rupees or with simple imprisonment for a term which may extend to six months or with both.

(10) Any person who refuses any duly authorised officer of the licensing authority or any such officer of the Council to enter or inspect any premises or to inspect any records under sub-section (7) or (8), as the case may be, or obstructs such officer in the exercise of his aforesaid powers shall, on conviction, be punished with fine which may extend to fifty rupees for the first offence and for any subsequent offence with fine which may extend to one hundred rupees or with simple imprisonment for a term which may extend to three months or with both.

(11) Any person who makes or causes to be made or knowingly allows to be made any entry in a record to be kept under this section, which he knows to be false in any material particular for any of the purposes of this Act or who makes, produces or furnishes, or knowingly allows to be made, produced or furnished any statement, record or information which he knows to be false in any material particular for the purpose of obtaining a licence under this section or for any other purposes of this Act shall, on conviction, be punished with fine which may extend to two hundred rupees for the first offence and for any subsequent offence with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months or with both.

(12) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

PART VI.

TRAINING INSTITUTIONS.

Training
Institutions.

23. (1) An institution which the Council may approve and recognise for the purpose of this sub-section after inspection by its representative, shall be competent to train nurses, midwives or health visitors and to send them for examination for the qualifying certificates of the Council.

(2) The Council may withdraw recognition from any such institution after its inspection by a representative of the Council. The order of such withdrawal shall be in writing, and shall be served on the institution in the prescribed manner.

(3) No school, hospital or other institution which is not approved and recognised by the Council 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 his having passed any examination or undergone any course of training to practice as a nurse, midwife or health visitor, unless his name is registered or entered in the list under this Act.

(4) Any person who contravenes the provisions of sub-section (3) shall, on conviction, be punished with fine which may extend to three hundred rupees.

(5) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Appeal against refusal to
recognise
institutions.

24. Any person aggrieved by the refusal of the Council to approve and recognise any institution as competent to train nurses, midwives or health visitors or by the withdrawal of recognition under sub-section (2) of section 23 may appeal, within three months from the date of receipt of the order of refusal or withdrawal of such recognition to the State Government against such refusal or withdrawal. The decision of the State Government on such appeal shall be final.

PART VII.

MISCELLANEOUS.

Removal of
names from
register on
notice of
death.

25. Every Registrar of Births and Deaths who receives notice of the death of any person whose name he knows to be or has reason to believe is entered in the register, shall forthwith transmit by post to the Council, a certificate of registration of such death signed by him and stating the time and place of death; and thereupon the name of such person shall be removed from the register.

26. Any person who—

Penalty for dishonest use of certificate.

(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 certificate issued under the provisions of this Act,

shall, on conviction, be punished with fine which may extend to two hundred fifty rupees for the first offence and for any subsequent offence with fine which may extend to five hundred rupees or with simple imprisonment for a term which may extend to six months or with both.

27. Any person who, not being a registered nurse, midwife or health visitor, takes or uses the name or title of registered nurse, midwife or health visitor, or uses any name, title, description, described uniform object or sign-board with the intention that it may be believed, or with the knowledge that it is likely to be believed, that such person is a registered nurse, midwife or health visitor shall, on conviction, be punished with fine which may extend to one hundred rupees for the first offence and for any subsequent offence with fine which may extend to two hundred rupees or with simple imprisonment for a term which may extend to three months or with both.

Penalty for unlawful assumption of title of registered nurse, midwife or health visitor.

28. No court inferior in rank to that of a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

Court competent to try offences under Act.

29. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power of State Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any matter expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Power of
Council to
make by-
laws.

30. (1) The Council may make by-laws not inconsistent with this Act or the rules namely—

(a) for prescribing the courses of training and examinations entitling a person to registration, the fee payable on application for registration, the form in which such applications shall be made, and the conditions subject to which names shall be entered in the register under section 13;

(b) for prescribing the courses of instruction to be undergone and the manner in which training is to be received, by a person for practising as a nurse, midwife or health visitor under section 19;

(c) for regulating the compilation, maintenance and publication of the register or list and the conditions of admission or readmission to the register or list;

(d) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register and any matter ancillary to or connected with such examinations, including the courses of training which the candidate appearing for the examinations shall undergo;

(e) for determining the manner in which the list shall be maintained, the conditions which shall be fulfilled by persons whose names are to be entered in the list, the qualifying examination to be passed by persons whose names are entered in the list and for regulating the conduct of such examinations;

(f) for the approval and recognition of any institution for the purpose of section 23 and for the granting of diplomas to candidates passing the examinations;

(g) for regulating the conditions under which institutions for nursing the sick, maternity or child welfare may be affiliated to the Council;

(h) for appointing a Registrar and such other servants as may be necessary;

(i) for regulating the pay, pension, conduct and other conditions of service of persons appointed under clause (h);

(j) for establishing a provident fund for the benefit of the employees of the Council and of affiliated institutions and regulating its administration;

(k) for regulating and supervising the practice of their profession by registered nurses, midwives and health visitors and by persons whose names are entered in the list;

(l) for regulating the publication of the names of registered nurses, midwives and health visitors and of persons whose names are entered in the list and their residence;

(m) for 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 States and countries granting reciprocal registration to persons registered on the register of the Council;

(n) for determining the form and the manner in which notices under section 21 shall be given;

(o) for determining the manner of inspection of the nurses establishments by the Council, the statements to be furnished and records to be maintained by such establishments;

(p) for regulating the summoning of meetings of the Council and its proceedings;

(q) for 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 generally;

(r) for prescribing the travelling and other expenses payable to the members of the Council or of committees;

(s) 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) No by-law made by the Council shall come into force until it has been confirmed by the State Government, with or without modification or amendment.

(3) All by-laws made under this section shall be published in the *Official Gazette*.

31. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or by-laws.

Protection of persons acting in good faith, under the Act, rules or by-laws.

32. (1) If at any time it shall appear to State Government that the Council has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the State Government 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 State Government may fix in this behalf, the 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 person or persons and for such period as it may think fit and thereupon the funds and property of the Council shall vest in the State Government for the purposes of this Act until a new Council shall have been constituted under section 3.

Control.

(2) When the State Government has dissolved the Council under sub-section (1), it shall take steps as soon as may be convenient to constitute a new Council under section 3 and thereupon the property and funds referred to in sub-section (1) shall revert in the Council so constituted.

(3) Notwithstanding anything contained in this Act, rules or by-laws, if, at any time, it shall appear to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person, in such manner and for such period not exceeding 6 months and subject to such conditions as it thinks fit.

Repeal and saving.

33. (1) Subject to the provisions of this Part, with effect on and from the date on which the Council is constituted under sub-section (5) of section 3, (hereinafter referred to as "the specified date"), the Bombay Nurses, Midwives and Health Visitors Act, 1954 (hereinafter referred to as "the repealed Act") shall stand repealed.

Bom.
XIV
of
1954.

(2) With effect on and from the specified date, the Gujarat (Bombay Area) Nursing Council established under sub-section (1) of section 3 of the repealed Act shall stand dissolved and all the members thereof shall vacate office.

(3) The register and the list maintained or kept under the repealed Act and in force immediately before the coming into force of part III shall be deemed to be the register and the list respectively under this Act, until the register and the list are prepared under section 12 or 17, as the case may be.

(4) Every institution which immediately, before the specified date continued to be approved and recognised under section 23 of the repealed Act shall be deemed to be approved and recognised under section 23 of this Act.

(5) Any appointment, licence, notification, rule, by-law, form, notice, or order made, issued or given under the repealed Act and subsisting immediately before the coming into force of that Part of this Act to which it relates shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given, under the relevant provisions of this Act and continue in force unless and until superseded by any appointment, licence, notification, rule, by-law, form, notice, or order made, issued or given under this Act.

(6) Nothing in this section shall affect any legal proceeding or remedy in respect of any right, title, interest, obligation or liability acquired, accrued or incurred under the repealed Act and any such legal proceeding or remedy may be instituted, continued or enforced, as if this Act had not been passed.

Vesting of rights, duties etc.

34. Save as otherwise provided by or under this Act and unless there is anything repugnant in the subject or context,—

(1) all rights of the Council dissolved under sub-section (2) of section 33 (hereinafter in this section referred to as "the dissolved Council") shall, on the specified date, vest in the Council constituted under sub-section (5) of section 3 (hereinafter in this section referred to as "the Council");

(2) all the property, movable or immovable, which on the day immediately preceding the specified date, vested in the dissolved Council shall subject to all limitations and conditions as were in force on that day, vest in the Council;

(3) all sums due to the dissolved Council on any account shall be recoverable by the Council which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Council to take or institute if this Act had not come into operation;

(4) all debts, liabilities and obligations incurred by or on behalf of the dissolved Council, immediately before the specified date and subsisting on the said date, shall be deemed to have been incurred by the Council in exercise of the powers conferred on it by this Act and shall continue in operation accordingly;

(5) all proceedings and matters pending before any authority or officer immediately before the specified date under the repealed Act shall be deemed to be transferred to and continue before the corresponding authority under this Act competent to entertain such proceedings and matters;

(6) all prosecutions instituted by or on behalf of or against the dissolved Council and all suits and other legal proceedings instituted by or against the dissolved Council or any officer of such Council on behalf of the dissolved Council on the specified date shall be continued by or against the Council;

(7) all officers and servants in the employ of the dissolved Council immediately before the specified date shall be the officers and servants employed by the Council and shall, until provision is otherwise made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the specified date.