



The Nagaland Nursing Council Act, 2019

Act 4 of 2019

Keyword(s):

RNRM, LHV, Auxiliary Nurse Midwife, Licensing Authority

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PART-V

NOTIFICATION

Dated Kohima, the 16th June 2019.

No.LAW/ACT/3-15/2019 :: The Nagaland Nursing Council Act, 2019 (Act No.4 of 2019), duly assented by the Hon'ble Governor of Nagaland on 03/05/2019 is published herewith for general information.

Sd/-

IMTIAKUM

Deputy Secretary to the Govt. of Nagaland.

AN

ACT

To provide for the establishment of a Nursing Council for the State of Nagaland for registration of Nurses, Midwives, Lady Health Visitors, Auxiliary Nurse Midwives/ Female Health Workers Registration of Nursing Institutions and to regulation their qualification with the Council and for matters Ancillary thereto.

Be it enacted by the Legislative Assembly of Nagaland state in the Sixty-ninth Year of the Republic of India and the Fifty fourth year of the State of Nagaland as follows:

THE NAGALAND NURSING COUNCIL ACT 2019

SCHEDULE

THE NAGALAND NURSING COUNCIL ACT 2019

An Act to provide for the establishment of Nursing education in the State and to regulate the practice by NURSING practitioners and NURSING EDUCATION.

Be it enacted by the Legislative Assembly of Nagaland state in the Sixty-ninth Year of the Republic of India and the Fifty fourth year of the State of Nagaland as follows:

THE NAGALAND NURSING COUNCIL ACT 2019

CHAPTER-1

PRELIMINARY

1. Short title, Extent and Commencement	<p>1) This Act may be called the Nagaland Nursing Council Act, 2019.</p> <p>2) It shall extend to the whole of the state of Nagaland.</p> <p>3) It shall come into force with effect from the date of their publication in the official Gazette.</p>
2. Definitions	<p>In this Act, unless the context otherwise requires:</p> <p>a) "Act" means the Nagaland Nursing Council Act, 2019.</p> <p>b) "Council" means the Nagaland Nursing Council constituted under section 3.</p> <p>c) "Government" means the Government of Nagaland.</p> <p>d) "RNRM" means Registered Nurse Registered Midwife.</p> <p>e) "Nurse" means a person who possesses a certificate of RNRM on successful completion of the prescribed course from a recognized institution under section 16.</p> <p>f) "LHV" (Lady Health Visitor) means a person who successfully completes Auxiliary Nurse-Midwives/ Female Health Worker course from a recognized institution under section 16 and has undergone 6 months promotee course.</p> <p>g) "Auxiliary Nurse-Midwife" or "Female Health Worker" means a person who possesses a certificate of Auxiliary Nurse-Midwives or *Female Health Worker from a recognized institution registered under Section 16; and have successfully completed two years training with a minimum qualification of 10+2 or equivalent.</p> <p>h) "Licensing Authority" means an officer authorized by the Government to issue license under this Act.</p> <p>i) "Official Gazette" means the Nagaland Gazette.</p> <p>j) "Prescribed" means prescribed by the rules and regulations made under this Act.</p> <p>k) "President" means the president of the Nursing Council.</p> <p>l) "Register" means a register for Nurses, Lady Health Visitors, Auxiliary Nurse Midwives/ Female Health Workers maintained under section 16 of this Act and the word "Registered and Registration" shall be constituted accordingly.</p> <p>m) "Registrar" or Deputy Registrar means Registrar or the Deputy Registrar referred to sub-section (1) of section 14.</p>

	<p>n) "Regulation" means the regulations made by the Council under this Act.</p> <p>o) "Rules" means the rules made by the State Government under this Act.</p> <p>p) "Section" means a section of the Act.</p> <p>q) "Inspector" means a nurse appointed by the Council.</p>
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CHAPTER II

ESTABLISHMENT OF COUNCIL

3. Establishment and Powers of the Council	<p>The State Government may, by notification in the Official Gazette, establish a Council to be called the 'Nagaland Nursing Council' for the purpose of carrying out the provisions of this Act. The Nagaland Nursing Council will be the statutory (legal) body for maintenance of uniform and high standards of nursing education in the State. The Council will grant recognition of nursing qualification, registration to nursing practitioners and monitor nursing practice in the State. The Council shall be body incorporated and have perpetual succession and a Common Seal, with power to acquire, hold and dispose property, both movable and immovable if acquired only with revenue generated by the Nursing Council subject to prior approval of the Government and shall, by the said name, sue and be sued.</p>
4. Constitution and Composition of Council	<p>1) The State Government of Nagaland shall constitute the Council consisting of the following members, namely:</p> <ol style="list-style-type: none"> a. One senior most Principal of College of Nursing. b. One senior most Principal of Schools of Nursing. c. One senior most Principal of ANM Training School. d. One senior most Principal from Private College of Nursing. e. One senior most Principal from Private Schools of Nursing. f. One senior most Nursing Superintendent of District Hospital. g. One senior most LHV/ANM from State Health Units. h. One senior most Nursing Officer of Private Hospital nominated by the Principal Director of Health & Family Welfare. i. Joint Director Nursing, Ex-officio. j. One senior most Nursing officer from the Directorate

	<ul style="list-style-type: none"> j. One senior most Nursing officer from the Directorate of Health & Family Welfare. k. One member nominated by the Trained Nurses' Association of India, Nagaland Branch. l. Director of Family Welfare. m. One nominee from the Directorate of Technical Education. n. Principal Director of Health & Family Welfare, ex-officio. o. One member of Nagaland Legislative Assembly to be nominated by the Speaker of the Assembly. p. One nominee from Law & Justice. <p>2) The name of every member nominated under sub-section (1) shall be published by the Government of Nagaland Official Gazette.</p>
5. Election and Terms of the President and Vice President	<p>1) PRESIDENT AND VICE-PRESIDENT: At its first meeting, the Council shall proceed to elect the President and Vice-President from amongst the members thereof.</p> <p>The members present shall elect from amongst themselves a Chairperson for conducting the proceedings till the election of the President is held. Names shall be proposed and seconded by members at the meeting. Votes shall be taken by ballot, each member present having one vote for the election of the President and another one vote for the election of the Vice-President. In case of a tie, the chairperson shall have the right of casting vote.</p> <p>2) When any vacancy arises in the office of the President or the Vice- President, the Council shall elect the President or the Vice-President as the case may be, at the first meeting, called after such vacancy.</p> <p>3) The term of the President and the Vice-President shall be three years. The same person shall not be eligible to hold the office of the President for more than three years.</p>
6. Term of office and casual vacancies	<p>1) Subject to the provisions of sections 7 and 8 and the Rules made under this Act, the term of the nominated member shall be of three years.</p> <p>2) A nominated member shall be eligible for re-nomination as the case may be, after the expiry of his or her term of Office.</p> <p>3) The powers of the Council shall be exercised not withstanding any vacancies in the number of its members fixed under section 6.</p>
7. Filling up of casual vacancies	<p>If the President or the Vice-President or any member dies or resigns his or her membership ceases as provided in section 8. The vacancies shall be filled by fresh nomination in the case of member as provided by section 4 or by holding election in the case of the President, or the Vice- President as provided in sub-section (1) of section 5, as the case may be.</p>

	Provided that any person nominated or elected to fill a casual vacancy shall hold office only so long as the member in whose place the nomination or election is made would have held office.
8. Cessation of Council Membership	A nominated or elected member of the Council shall be deemed to have vacated his or her seat, if: <ol style="list-style-type: none"> 1) He or She is absent without sufficient ground in the opinion of the Council of three consecutive meetings of the Council; and 2) He or She is absent out of India for a period exceeding six months.
9. Leave of absence of Council members	The Council may grant leave to any member to absent himself or herself from the meetings of the Council for period not exceeding six months.
10. Meeting of the Council and constitution of Committee	<ol style="list-style-type: none"> 1) The Council shall meet, ordinarily, at least once in every six months for the transaction of its business, but the President may, whenever he or she thinks fit shall upon a written requisition of not less than seven members and on a date not later than 21 days after the receipt of such requisition call an extra ordinary meeting. Whenever it appears unnecessary to the President to convene a meeting, he or she may instead of convening a meeting, circulate a written proposition with the reason for such proposition for the observation and vote of the members of the Council. 2) The Council shall be empowered to regulate: <ol style="list-style-type: none"> a. The mode of transaction of business provisions for decision on emergent matters by Circulation of papers to members, and for co-opting person(s) specially qualified to advice on any particular matters before the Council b. The time and place at which its meeting shall be held. c. The issue of notices convening such meetings; d. The conduct of business there-at; e. The constitution of the committee, the delegation to such committee, of any powers or duties of the Council under this Act; f. The procedure of the transaction of business shall not be transacted at any meeting of the Council, unless a quorum of two third members are present; and g. All questions arising at any meeting of the Council shall be decided by votes of majority of the members present and voting or in any case of an equality of vote by casting votes of the President to the Council, or in his or her absence, of the member presiding at the meeting. 3) Until such time as the regulations referred to in sub-section (1) of section 36 have come into operation, it shall be lawful for the President of the Council to summon a meeting at such time and place, as appear expedient, by letter addressed to

	each member.
11. Committees	<ol style="list-style-type: none"> 1) Executive Committee 2) Committee for protection of Nurses 3) Ethics Committee 4) Nursing Educational and Training Committee 5) Disciplinary Committee 6) Land and building Committee 7) Finance Committee
12. Traveling expenses	In accordance with the rules made in this regard, there shall be paid to the members of the Council such fees or traveling expenses for attendance at the meeting of the Council or for inspecting institutions from time to time as may be allowed by the Council.
13. Budget of the Council	<ol style="list-style-type: none"> 1) The income of the Council shall consist of: <ol style="list-style-type: none"> a. Registration fees received from the practitioners b. Grants received from the Government, if any, and c. Donations and gifts or and other sums raised by the Council. 2) It shall be competent for the Council to incur expenditure for the following purposes:, namely: <ol style="list-style-type: none"> a. Salaries and allowances of the Registrar and the staff maintained by the Council. b. Fees and allowances paid to the members of the Council and of the Executive Committee. c. Remuneration paid to the Assessors and d. Such other expenses as are necessary for performing the duties and discharging the functions under this Act.
14. Appointment & functions of Registrar and/or Deputy Registrar Staff of the Council.	<ol style="list-style-type: none"> 1) With the previous approval of the State Government the Council: <ol style="list-style-type: none"> a. Shall appoint a full time nurse as the Registrar having minimum qualification of BSc degree in nursing, preference to post-graduates. b. Shall appoint Deputy Registrar having minimum qualification of B.Sc degree in nursing with 5 years experience in administration and teaching. Post Graduate qualification shall be given preferences. 2) The pay and allowances payable to the Registrar, officers and other employees of the Council shall be fixed by the Council with the approval of the State Government. 3) 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 her/him in the manner as may be provided by the regulation. 4) The Council may appoint such other officers like Consultant, Clerks and other staffs as it may consider necessary for the purpose of this Act, and determine to pay them salary and allowances.

	<p>5) The Registrar shall be the Secretary and the Executive Officer of the Council. She shall attend all meetings of the Council and shall keep minutes of the meeting and the names of the members present and the proceedings of such meetings.</p> <p>6) The Registrar shall act as treasurer to the Council.</p> <p>7) The accounts of the Council shall be kept by the Registrar in the manner as prescribed regulations.</p> <p>8) The Registrar shall have supervisory power over the staff as may be prescribed by the regulations and may perform such other duties and discharge such other functions as may be specified in this 'Act'.</p>
15. Power to Amend Schedule	The Nagaland Nursing Council shall by notification, amend the schedule so as to include therein any subject not already specified therein or omit there any subject or modify the description of any subject.

CHAPTER III

PREPARATION & MAINTENANCE OF REGISTER

16. Maintenance of Registers	<p>The Council shall maintain a Register of:</p> <ol style="list-style-type: none"> 1) Nurses 2) Lady Health Visitors 3) Auxiliary Nurse Midwives/ Female Health Workers in such forms containing such particulars and divided into such part as may be prescribed.
17. Maintenance of Registers by the Registrar	<ol style="list-style-type: none"> 1) The Registrar shall maintain the registers in accordance with the provisions of this Act and in accordance with any orders made by the Council and shall from time to time update and make all necessary alterations in the registered address or appointments and III the classifications of the registered Nurses, Lady Health Visitors, Auxiliary Nurse Midwives/ Female Health workers and erase the name of any such Nurse, Lady Health Visitors, Auxiliary Nurse Midwife /Female Health Workers who is dead or has ceased to practice. 2) To enable the Registrar to fulfill the duties imposed upon him/her by sub-section (1) he or she may send notice to any person registered according to his or her registered address or appointment as has been changed, and if no reply to any such notice is received within a period of six months from the date of its dispatch, the Registrar may erase the name of such person

	<p>from the Register in which it is entered. Provided that any name erased under sub-section (2) may be re-entered in the Register under the direction of the Council.</p> <p>3) The candidate applying for registration should enclose Provisional Certificate, two copies of passport size photographs with uniform in his or her application duly countersigned by the Head of the Institution from where he or she was trained. One copy of photograph will be affixed on the certificate, and other copy in the register itself. In case of applying for duplicate copy of the Certificate, the applicant will have to send his or her photographs again, without which no duplicate copy will be issued.</p>
18. Remark in the Register on notice of death	On receipt of the Death Certificate from prescribed authority, the Council shall mark the deceased person as "Death" in the remark column of the Register in which his or her name is entered.
19. Removal of fraudulent and incorrect entries in the Register	If the Council is satisfied that any entry in the Register has been fraudulently or incorrectly made the same may be erased under the order of the Council. There shall be penalty to Registrar.
20. Persons entitled for registration under this Act	<p>1) Nurses, Lady Health Visitors and Auxiliary Nurse Midwives/ Female Health Workers who have undergone the course of training as prescribed by the Indian Nursing Council from a recognized training Institution, and passed the examination and fulfilled such further conditions as may be prescribed.</p> <p>2) A person already registered under the Assam Nurses' Midwives' & Health Visitors' Council Registration Act, 1944 and which person are residing and practicing as a nurse in the state of Nagaland immediately before the commencement of this Act.</p>
21. Admission to Register of persons trained outside Nagaland state	On receipt of an application in the prescribed form and on payment of such fee, not being less than the fee payable on ordinary application for registration under this Act as the Council may determine, any person shall be entitled to be registered under this Act, provided to the satisfaction of the Council that he or she has been registered either as Nurse, Lady Health Visitor, Auxiliary Nurse Midwives / Female Health Worker established under the said Act or provision is not lower than the standard of the training and examination required under this Act.
22. Bar and removal of Registration and re-entry of	<p>The Council may by order bar, suspend or remove the registration of a Nurse, Lady Health Visitor, Auxiliary Nurse Midwife/ Female Health Worker on any of the following grounds:</p> <p>1) That he or she has been sentenced by any Court of law, for any non-bailable offence or sentence not having been subsequently reserved or quashed;</p> <p>2) That he or she has been convicted by a Court of law of any offence involving moral turpitude;</p> <p>3) That he or she has been guilty of professional misconduct,</p>

	<p>professional incompetence, negligence of duty, or lack of integrity or professional ethics; or issuing of fraudulent documents/ certificates.</p> <p>4) Provided that no action shall be taken on the grounds referred to clauses (b) and (c) above of this section unless an enquiry in which an opportunity has been given to the person concerned to state his or her case, has been made and the Council by a majority of two-thirds of the members present and voting decides that such action should be taken.</p> <p>5) That any name so removed may afterwards be re-entered in the Register and any order of refusal of registration passed under sub-section (1) may be withdrawn under the direction of the Council given by majority of two-thirds of the members present and voting at the meeting.</p>
23. Registration under this Act not to qualify as Medical Practitioner	The registration under this Act shall not confer upon any person the right to assume any title, name or designation implying that he or she is by law, recognized as a Medical Practitioner, or that he or she is authorized to grant any Medical Certificate.
24. Institution for training Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers to be recognized by the Council	<p>1) The Institution which are approved and recognized by the Council after inspection by its President or any member appointed by the President shall be competent to train Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers and to send them for examination for the qualifying certificates of the Council.</p> <p>2) All the recognized institutions shall be inspected by the President of the Council or any member appointed by the President at least once in two years conforming to Indian Nursing Council guidelines.</p>
25. Power to inspect Hospitals, Nursing Colleges and Training institutions, etc	The Council may authorize the Registrar or any member to inspect any Hospital, Health Institution, Nursing homes, College of Nursing or School of Nursing to ascertain that the persons working therein as Nurse are registered with the Council and, in the case of a School of Nursing, Auxiliary Nurse Midwife Training Centre etc. that it conforms to the standards prescribed and the Registrar may call for records and other information from the authority concerned and such authority shall supply all true and correct information in its possession. This rule will be in conformation with Indian Nursing Council.
26. Withdrawal of recognition from institution and any School /College of Nursing	1) Whenever the Council on receipt of an adverse report, is of opinion that an enquiry, should be made as to the desirability of withdrawing recognition from a particular institution, it shall depute its President and a member for further inspection on such terms as it thinks fit and at the same time call upon the Institution with Indian Nursing Council conformation to show cause as to why its recognition should not

	<p>be withdrawn. The Council, after consideration of the report so received and of the explanation, if any, by the Institution, may withdraw the recognition. The order of such withdrawal shall be in writing and served in-the prescribed manner.</p> <p>2) The Council may, for reason to be recorded in writing, de-recognize a College of Nursing, School of Nursing, and Female Health Worker Training School if it is of the opinion that the training standards has fallen short of the requirement, or that it is otherwise no longer desirable to recognize it in public interest.</p>
27. Appeal	Any person or Institution aggrieved by an order of Council under section 22 or section 26 may appeal to the Government within thirty days from the date of such order and the decision of the Government on the appeal shall be final.
28. Prohibition of issue of Certificate and entry of names by any institution	No Hospital, College of Nursing, School of Nursing and Female Health Worker Training School which has not been approved of recognized under sub-section (1) of section 24 shall issue to any person a Certificate or enter the name of any person on a list of register or other documents purporting to show that such person is qualified by having passed an examination or undergone any course of training to practice as Nurse, Lady Health Visitors, Auxiliary Nurse Midwife / Female Health Workers unless such person has been registered under this Act.
29. Disabilities of unregistered person	After the expiration of 12 (twelve) months from the commencement of this Act, no Government or private Health Institution, Hospital, Dispensary, infirmary or lying in Hospital shall employ any category of Nurse, Lady Health Visitor, Auxiliary Nurse Midwives/ Female Health Workers , unless he or she is registered under this Act.
30. Penalty for unregistered person	Any person who practices or allows a person to practice as a Nurse, Lady Health Visitor, Female Health Worker/ Auxiliary Nurse Midwife in contravention of section 29 shall be punished with imprisonment which may extend up to 2 years and liable to a fine or both.
31. Penalty for dishonest use of certificate	Any person (s) who: <ol style="list-style-type: none"> 1) Dishonestly makes use of any Certificate of registration issued under the provisions of this Act to him or her or any other person; or 2) Procures or attempt to procure registration under provisions of this Act by making or producing causing to be made or produced any false or fraudulent declaration, or certificate or representation whether in writing or otherwise; or 3) Willfully makes or causes to make any false representation in any matter relating to the registration of Certificates issued under the provisions of this Act; or

	4) Being the Secretary, Manager or other Officer of a Hospital, School or other Institution issues or authorizes the issue of a certificate to any person or enters, or authorizes entry of the name of such person in contravention of section 28 shall be punished with imprisonment which may extend up to 7 years and liable to a fine or both.
32. Penalty for unlawful assumption of a title	Any person who not being a Nurse, Lady Health Visitor, Auxiliary Nurse Midwife / Female Health -Worker registered under this Act, assumes or uses the name or title of Registered Nurse, Lady Health Visitor, Auxiliary Nurse Midwives / Female Health Worker or uses any name, title, addition, description or signboard implying that such person is a Registered Nurse, Lady Health Visitor, Auxiliary Nurse Midwife / Female Health Worker as the case may be, shall be punished with imprisonment which may extend up to 2 years and liable to a fine or both.
33. Publication and use of Annual list of registered Nurses, Lady Health Visitors, Auxiliary Nurse Midwives/ Female Health Workers	<p>1) The Registrar shall, in every five years, on or before a date to be fixed in this behalf by the Council cause to be printed and published correct list of the names for the time being entered in several parts of the Registers of Registered Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers setting forth:</p> <ol style="list-style-type: none"> a. All the names entered in several parts of the respective Registers arranged in alphabetical order according to surnames. b. The registered address or appointment of each person whose name is so entered in the registers; and c. The registered qualification of each, such person and the date on which such qualification was certified. <p>2) Every Court shall presume that any person whose name is entered in the latest such list is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act.</p> <p>Provided that in the case of any person whose name does not appear in such printed lists, has a certified copy, signed by the Registrar of the entry of the name of such person in a Register of Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers shall be evidence that such person is registered under this Act.</p> <p>Provided further that a certificate purporting to be signed by the Registrar stating that the name of a person on the printed Register of Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers or, as the case may be, has been removed from such Register specifying the date of such removal be evidence that such person is not registered under this Act and of the date from which he or she ceased to be so registered.</p>

34. Court competent to try offences under this Act.	No Court of law lower than of a Magistrate of First Class shall try any offences under this Act.
35. Cognizance of offence	No Magistrate shall take cognizance of any offence punishable under this Act except upon complain made by the Council.
36. Power to make rules, duties & functions of the Council.	<ol style="list-style-type: none"> 1) The State Government may by notification in the Official Gazette make rules to carry out all or any of the purposes of this Act. 2) In particular and without prejudice to the generally of the foregoing powers such rules may provide for all or any of the following matters, namely: <ol style="list-style-type: none"> a. Prescription of the period of less than 3 years for which a member of the Council may hold office under section 6 b. Prescription of the manner in which nomination and election of President and Vice-President shall be made and casual vacancies shall be filled under sections 5 and 7; c. Prescription of the form in which a Register shall be kept, the particulars to be entered in such Register, and the parts in which such Register shall be divided under section 16; d. Prescription of the manner in which an order of removal or refusal shall be served on persons under section 22; e. Prescription of the fees payable in respect of an appeal under section 27; and f. Any matter which is to be or may be prescribed. 3) To maintain the live register and to provide for the registration of all categories in section 16. 4) To prescribe a code of ethics for regulating the professional conduct of practitioners. 5) Lends advice to the State Government on matters relating to the Nursing education and practice in Nursing. 6) To provide protection to its members in discharging professional duties. 7) To ensure that no unqualified person practices modern scientific system of Nursing.
37. Power of the Council to make regulations	<p>The Council may make regulations not inconsistent with this Act or the rules made there under;</p> <ol style="list-style-type: none"> 1) regulating the compilation, maintenance and publication of the Register and the conditions of admission to the Register; 2) prescribing the fees payable on application for registration, the forms in which such applications shall be made and the conditions subject to which names shall be entered in the Register; 3) prescribing and regulating the examination which must be passed as a condition of matter ancillary to or connected with such examination, including the courses of training which the

	<p>candidates appearing for examination shall undergo;</p> <ol style="list-style-type: none"> 4) prescribing the cause for which, the conditions, under which and the manner in which the names of Nurses, Lady Health Visitors, Auxiliary Nurse Midwives/ Female Health Workers, may be removed or re-entered in the Register under section 22. 5) for the approval of any Institution for the purpose of such training and the granting of certificates to candidates passing examination. 6) regulating the conditions under which Institutions for nursing the sick, maternity and child welfare may be approved and recognized by the Council. 7) appointing a Registrar and such other servants as may be necessary; 8) regulating the pay, pension, conduct and other conditions of services of persons; 9) regulating and supervising the practice of their profession by the registered Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers; 10) regulating the publication of the names registered under Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers and their residences; 11) regulating the condition under which such Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers registered in other States in India or in any Countries other than India may be admitted to the Register, on such other State and Countries granting reciprocal registration to persons registered on the Register of the Council; 12) determining the manner in which all fees levied under this Act and money received by the Council shall be accounted for, audited and applied for the purpose of this Act, and for regulating the expenditure of the Council generally; and 13) generally for the provision of any matters in respect of which the Council considers necessary provision shall be made for the purpose of this Act; 14) all the regulations made under this section shall be published in the Official Gazette after approval by the State Government. 15) for the conduct practice and professional ethics for the Nurses, Lady Health Visitors, Auxiliary Nurse Midwives / Female Health Workers; and any other matter which is required to be prescribed by regulations, for purposes of this Act.
38. Protection of persons acting on good faith under the Act	No Suit or other legal proceedings shall be instituted against and person for anything done or intended to be done in good faith

Rules and Regulations	under this Act, rules or regulations made there-under.
39. Certain persons to be public servants	Every person appointed under sub-section (i) (a) and (b) of section 14 shall be deemed to be a public servant within the meaning of section 23 of the Indian penal code, 1860 (45 of 1960).
40. Repeal and savings.	<ol style="list-style-type: none">1) The Assam Nurses' Midwives and Health Visitors' Council Registration Act, 1944, in so far as it applies in Nagaland is hereby repealed.2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall be deemed to have been done or taken, under the provisions of this Act.

Sd/-

I. HIMATO ZHIMOMI , IAS
Principal Secretary to Government of Nagaland

THE NAGALAND NURSING COUNCIL RULES 2019

PRELIMINARY

1. **Short title and commencement.** – These rules may be called the Nagaland Nursing Council Rules, 2019 and shall come into force with immediate effect.
2. **Definitions.**- In these rules, unless the context otherwise requires,-
 - a. "Act" means the Nagaland Nursing Council Act, 2019 (Nagaland Act No:..4. of 2019)
 - b. "Form" means a form appended to these rules;
 - c. Words and expressions not defined in these rules but defined in the Act shall have the same meanings assigned to them in the Act.

REGISTRATION

3. **Grant of Registration.**- Any person who possesses the qualification and wishes to practice in modern scientific system of nursing in Nagaland, apply for registration in the live register of the council by applying to the registrar in form 1, along with copies of photographs and prescribed fees. The Registrar shall consider the application in form 2 which shall be valid for a period of five years from the date of registration.
4. **Preparation of register :-**
 - a. The register of Nursing practitioners for Nagaland referred to in of section 16 of the Act shall be as in Appendix A.
 - b. The Registrar shall publish a notice in the Official Gazette and in such newspapers as the Council may select about the register having been prepared and the register shall come into force from the date of the publication of such notice in the Official Gazette. The Registrar shall publish, annually, on or before a date to be decided by the Executive Committee, an addendum and corrigendum to the last published. After the publication of the name in the register, the last edition of that alone shall be the legal evidence of registration.
5. **Additional qualifications.**- Persons registered with the council are entitled to apply for entering additional qualifications acquired by them as specified in the Scheduled in form 4, on the council's register on payment of the fee prescribed by the Council. After scrutiny of the application for additional qualification (s), a new registration certificate shall be issued incorporating the additional qualification (s) in lieu of the original certificate of registration in Form 2 returned by the applicant. The period of validity of the certificate shall remain as in the original certificate with a mention of date incorporating the additional qualification (s).
6. **Renewal of registration.**- The registration certificate can be renewed by the Council on receipt of application in Form 3 along with the fee prescribed for renewal of registration. The registrar shall consider the application and if found fit, shall renew the registration.
7. **Restoration of registration.**- on submission of application in Form (5) by the practitioner the Executive Committee of the Council may consider a case of restoration of registration of a person

whose name has been struck off the register and may direct the registrar to re-enter the name of the practitioner in the register on payment of the prescribed fees.

8. **Change of Address.**- Every registered practitioner shall send to the Registrar immediate notice of any change in his/her address in order that his/her correct address may be duly erased from the register.

ELECTIONS

9. **Returning Officer.**- The Registrar or Deputy Registrar shall be the Returning Officer for conduct of any election under the provisions of the Act. The Returning Officer shall inform the Government about the constitution of a new council and he shall notify in the Official Gazette and two newspapers published from Nagaland, at least, sixty days prior to the expiry of the tenure of the existing Council and about the proposed scheduled of elections.

10. **Constitution of new council.**- The following procedures shall be followed for purpose of constituting the new council, namely:-

- a. The Returning Officer shall intimate to the Dean/Principal/Director of every School/Nursing college established by law in Nagaland having a Nursing faculty to elect one member from each Nursing college/institution by the Nursing faculty thereof from amongst the permanent members of the teaching faculty. The election shall be conducted and completed by the respective college/institution within thirty days and the name of the elected members shall be intimated to the returning officer.
- b. The Returning Officer shall intimate to the Nagaland Nursing Council regarding the election of one member from amongst its members to be elected to the council. The election of such members shall be conducted and completed by the said association, within thirty days and the name of the elected members shall be intimated to the returning Officer.
- c. The Returning officer shall conduct the election and be elected by registered practitioners from amongst themselves. The election shall be conducted by secret ballot paper.
- d. The electoral rolls for the election shall comprise all registered practitioners registered with the council as on the date of notification of the election. A hard copy of the electoral rolls giving the name, registration number and address of the registered practitioners shall be supplied to contesting candidates on payment of one thousand rupees to the council.

11. **Stages of election.**-

- 1) The returning officer shall fix the following stages of election, namely:-
 - a. Notification of election;
 - b. Last date of receipt of nomination papers;
 - c. Date of scrutiny of nomination papers;
 - d. Last date of withdrawal of candidature;
 - e. Polling of votes;
 - f. Counting of votes;
- 2) The election process shall be completed by the Returning Officer within forty-five days from the date of notification of elections.

- 12. Nomination of Candidates,-** Every registered practitioner whose name appears in the electoral rolls shall qualify for filling his nomination paper subject to fulfilling eligibility conditions laid down in the Act. The nomination shall be in form 10. Every nomination paper duly completed and signed by the proposer and the seconded and subscribed by the candidate himself as consenting to the nomination shall be delivered to the returning officer on or before the date appointed for receipt of nomination papers. Nomination papers received after the time so fixed shall be summarily paper record thereon the date and time of its receipt by him. Only registered practitioners registered with the council, whose name appears in the electoral roll, can be nominee, proposer and seconded. There shall be a non-refundable fee of one thousand rupees for each nomination payable by the candidate through a bank draft favoring "Nagaland Nursing Council" along with the nomination paper. This fee may be revised by the Government from time to time.
- 13. Scrutiny of nomination papers,-** On the date and time appointed for scrutiny of nomination papers, the candidates and his proposer and seconded may attend the proceedings at the appointed time and place. The Returning Officer shall examine the nomination papers and completes the scrutiny. On completion of the scrutiny of the nominations and after the expiry of the period within which a candidate may withdraw his candidature, the returning officer shall forthwith under his signature place on the notice board at the office of the council a list of the contesting candidates.
- 14. Polling-** If the number of contesting candidates does not exceed the number of vacancies to be filled in, the returning officer shall forthwith declare such candidates as duly elected to fill such vacancies without any polling and report the names of such candidates to the government. When there are more contesting candidates than the existing vacancies, the election shall be conducted within the stipulated time. The Returning Officer shall arrange for polling by printing of ballot papers with the names of the contesting candidates entered in alphabetical order. The voter shall produce proof of identity and residence at the time of polling. The identity proof may be in the form of registration certificate issued from the Council, passport and electoral card, driving license or any other photo identity card issued by the government.
- 15. Custody of ballot papers-** The ballot boxes shall be kept in a safe custody of the Returning officer and shall not be opened till counting of votes begins.
- 16. Counting of votes and declaration of result of elections,-** The scrutiny and counting of votes shall be undertaken by the Returning Officer at the time, day and place appointed. A candidate and not more than one representative, duly authorized by him, may remain present at the time of counting of votes. After the counting of votes is completed the Returning Officer shall forthwith declare the result of election. If there are an equal number of votes in favor of two or more candidates for one vacancy, the election shall be determined by the Returning Officer by draw of lots in the presence of the candidates or their representatives. The Returning Officer shall communicate the result of the election to the Government who shall notify the constitution of the new council. After the declaration of the result, the Returning Officer shall seal the ballot papers and all other documents relating to the election and shall retain in the same with himself in safe custody for a period of six months and thereafter cause them to be destroyed.
- 17. Election of President and Vice-President,-** As soon as possible as and not later than fifteen days after the constitution of the new council, the members shall elect the successor President and Vice-

President of the council from among themselves in a meeting of the council. This meeting shall be convened and conducted by the Registrar. The election of President and Vice-President shall be by a majority of votes of the members present.

CONDUCT OF BUSINESS OF THE COUNCIL

18. **Power to appoint Committees/Sub-Committees-** The council may appoint committee/sub committee to carry out the functions of the council.
19. **Calling of meetings-** The council shall meet on such date, time and place as may be fixed by the President. The President may, whenever he thinks fit or upon a written requisition of not less than two third members call an extraordinary meeting. The President and the Registrar shall discuss and decide the agenda for the meeting.
20. **Notice for calling at meeting-** All members of the council shall be given thirty clear days notice for an ordinary meeting and ten clear days notice for an extra ordinary meeting. Every notice shall also be passed at the office of the council. Such notice shall specify the date, time, place and agenda of the meeting. The Registrar shall send to all members a copy of the notice.
21. **Motions for insertions in agenda-** Any member may send a motion to be included in the agenda for an ordinary meeting so as to reach the Registrar twenty clear days before the date fixed for such meeting and seven clear days in case of extra ordinary meetings. The president and the Registrar shall discuss and decide whether or not to include such motion/motion in the agenda, and where any motion is disallowed, the reason for doing so shall also be communicated along with the agenda to the member who send the motion.
22. **Attendance of the meeting-** At each meeting, an attendance register shall be placed in the meeting room and every member present shall sign against his name in the register.
23. **Business to be transacted at meeting-** At any meeting, no business or proposition other than the specified in the agenda shall be taken up, provided that the President, in his discretion, may permit any business or proposition to be discussed which is of an urgent nature and which was not entered in the notice for meeting.
24. **Minutes of the meeting-** The minutes of the meeting shall be recorded by the Registrar and the same shall be kept in the office of the council.
25. **Approval of written proposal by circulation-** Whenever it appears necessary to the President to consider a proposal by circulation, he may, instead of convening a meeting, direct the Registrar to circulate a written proposal for the observation and votes of the members of the Council and then decide on the basis of majority.

EXECUTIVE COMMITTEE

26. **Constitution -** The Executive Committee shall consist of seven members. The President of the Council shall be Ex-Officio chairman of the Executive Committee. The Council shall elect the other six members of the Executive Committee from amongst themselves as follows-

- 1) One Senior most Nursing Officer from the Directorate.
 - 2) One principal from college of Nursing- (Government)
 - 3) One principal from college of Nursing- (Private)
 - 4) One Principal from school of Nursing-(Government)
 - 5) One Principal from school of Nursing-(Private)
 - 6) One member of TNAI from local Board.
27. **Calling of meeting-** The Executive Committee shall meet on such date, time, place as may be fixed by the President. The President may however if he thinks fit and shall, upon a written requisition by not less than seven members call an extraordinary meetings of the Executive Committee on short notice. The President and the Registrar shall discuss and decide the agenda for the meeting.
28. **Notice of the meeting-** All members of the Executive Committee shall be given seven clear days notice of an ordinary meeting and three clear days notice in the case of an extraordinary meeting. Such notice shall specify the place, date and time of the meeting and state whether the meeting is a general meeting or a special meeting and the business to be transacted thereat. The Registrar shall send to all Members a copy of the notice.
29. **Attendance at meeting-** At each meeting an attendance register shall be placed in the meeting room and every member present shall sign against his name in the register. Attendance of Five members of the Executive Committee shall constitute a quorum.
30. **Business to be transacted at meeting-** At any ordinary meeting and in case of extraordinary meeting no business other than specified in the notice calling such meeting shall be transacted provided that the presiding authority may permit any business to be discussed which is of the urgent nature and which was not entered in the notice for meeting. All questions at the meeting of the Executive Committee shall be decided by a majority of the members present and in consultation with the Registrar.
31. **Minutes of the meeting-** The meetings of the Executive Committee meeting shall be recorded by the Registrar and the same shall be kept in the office of the Council.

INQUIRIES

32. **Complaint against Nurse Practitioner -**

- 1) The Council may inquire into complaint against nurse practitioner either suo motto or on the basis of any complaint made to the council in respect of misconduct or negligence of any nurse practitioner for the purposes of the Act through the disciplinary Committee. The proceedings shall be conducted by the Registrar in the presence of Chairman, Disciplinary Committee and at least two members thereof sitting together.

The complaint shall contain the following particulars-

- a) the name, description and address of the complainant;
- b) the name, description and address of the opposite party or parties, as the case may be, as far as they can be ascertained;

- c) the facts relating to the complaint, when the cause of action arose and what are the grounds or causes of the complaint;
- d) the documents in support of the complaint if any;
- e) the relief which the complaint claims.

No complaint shall be entertained unless it is in writing and signed by the person making it. The complaint shall be verified by the complainant. The Complainant shall file six copies of the complaint along with such number of copies as there are opposite parties in the complaint. All anonymous and frivolous complaint shall be rejected.

- 2) **Procedures on receipt of complaint-** The Council shall on receipt of a complaint-
- a) Refer a copy of the complaint to the opposite party mentioned in the complaint directing him to give his version of the case within a period of fifteen days of receipt of copy of the complaint.
 - b) Where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the council, the Council shall proceed to adjudicate the complaint-
 - i) On the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the council, or
 - ii) On the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or dispute the allegations contained in the complaint.
 - c) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties to appear before the Council. Where the complainant fails to appear before the Council on such days, the Council may in its discretion either opposite party fails to appear on the date of hearing, the council may decide the complainant ex-parte.
 - d) The decision of the inquiry shall be implemented and communication to the respective parties and to other as may be required. In case there is any difference of opinion amongst themselves, the opinion of the majority shall be the decision.

CONDITIONS OF SERVICE OF REGISTRAR/DEPUTY REGISTRAR AND OTHER STAFF AND THE SUPERVISORY POWERS AND DUTIES OF REGISTRAR/DEPUTY REGISTRAR

3. Appointment of Registrar/Deputy Registrar –

- a. The post of Registrar/Deputy - Registrar shall be permanent. The post of Registrar shall be in the basic pay equivalent to the basic pay scale of Joint Director (Nursing) of the state services and the post of Deputy Registrar shall be in the basic pay scale equivalent to the basic pay scale of Deputy Director of the state Health Services.
- b. The Council shall be the appointing authority for the post of Registrar/Deputy Registrar and the Registrar/Deputy Registrar shall be the appointing authority for all the other appointments in the Council.
- c. The post of Registrar shall be filled by the Council by promotion of Deputy Registrar. The post of Deputy Registrar shall be filled by direct selection by the Council from amongst suitable

candidates having minimum qualification of B.Sc with minimum of 5 years experience in administration and teaching in Government/Public sector/private Sector or practice , on the date of application, candidate with post- Graduate qualification shall be given preferences.

- d. The Registrar /Deputy Registrar shall draw allowances equivalent to allowances admissible to similar posts in the government like dearness allowance, house rent allowance, city compensatory allowance, transport allowance, conveyance allowance, academic allowance, post-graduate allowance, travelling allowance, daily allowance, etc. the leave entitlement and travelling entitlement shall be similar to that of employees of government in similar posts.

34. Functions of Registrar/Deputy Registrar. - The registrar /Deputy Registrar shall perform statutory functions as prescribed under the Act and these rules. Further she shall conduct and have charge of the correspondence of the Council and shall issue all requisite notices in the manner required under these rules. As Executive Officer of the Council; she shall be the competent authority to sanction all financial transactions. The Registrar or any other officer functioning as Registrar or her nominee shall be authorized to lodge complain in the court cases on behalf of the Council with the assistance of an advocate.

35. Appointment of other staff members. - The appointing authority may consider in situ- promotions of the staff members. The staff members shall draw pay and allowances equivalent to the similar post in the Government and shall be eligible to draw allowances, house rent allowance, daily allowance, etc. The leave and travelling of the staff members shall be equivalent to that of employees of Government in similar posts. The appointing authority may also appoint staff members on contract basis.

36. Retirement. - The normal age for retirement for all the employees shall be as applicable to the employees of the Government. The Council may, grant extension of service to any employee for period not exceeding one year at a time and not more than two such extensions shall be allowed to anyone even in exceptional circumstances.

37. Resignation . -

- 1) The Registrar may resign her office by giving three months notice in writing to that effect to the President and such resignation shall take effect from the date of acceptance of such resignation by the Council. If she leaves her office without giving any notice as foresaid, she shall be liable to deposit an equivalent to total emoluments payable in lieu of such notice.
- 2) Any other employee of the Council may resign her office by giving one month notice in writing to that effect to the Registrar if she is temporary, and three months notice if she is permanent and such resignation shall take effect from the date of acceptance thereof. In the case of failure to give required notice, the employee shall be liable to deposit an amount equivalent to total emoluments payable in lieu of notice period.

38. Termination of Service. - The Council may terminate the service of any employee appointed under Clause 35 other than the Registrar /Deputy Registrar appointed under Clause 33, after due enquiry giving such employee fair opportunity to explain as to why her services should not be terminated. The Council may impose any other giving such employee other than the Registrar /Deputy registrar,

after giving such employee a show cause notice. The Council may, with the previous sanction of the Government terminate the service of the Registrar /Deputy Registrar as per the procedure laid down under the Public Servants (Inquiries) Act.

39. Provident fund, gratuity and other terms of service. – The Council shall establish a provident fund and provide for gratuity, in accordance with the statutory provisions. Other terms of service like leave, leave encashment, leave travel concession, etc., Shall be similar to those applicable to the employees of the Government. The Council shall provide medical insurance policy for the staff members and their dependent family and will also reimburse a sum up to a maximum of fifteen days basic pay of an employee per year for out-patient medical treatment for herself and her dependent family.

40. Maintenance of Account and other registers.-

- 1) The Council shall maintain the following registers:-
 - a) Cash books
 - b) Ledger
 - c) Stock register
 - d) Receipt books
 - e) Register for grants
 - f) Voucher files
 - g) Attendance roll
 - h) Register of leave accounts
 - i) Service books and
 - j) Other registers as may be necessary.
- 2) The annual accounts shall be audited in accordance with statutory and administrative requirements as applicable.
- 3) Bank Accounts of the Council shall be opened in nationalized /Scheduled Banks. The Registrar /Deputy Registrar and the Accounts Officer of the Council shall be the authorized signatory of Bank Accounts of the Council.
- 4) The Council may deposit its own funds in fixed deposits in Nationalized/ Scheduled Banks or may invest its own funds in any of the securities specified by the Registrar.

MISCELLANEOUS

- 41. Migration/ Transfer** – request for migration to another Nursing Council shall be considered by the Council and after the approval by the Council, “No Objection” certificate shall be issued by the Registrar on receipt of application along with fees as prescribed.
- 42. Certificate of good standing** - Certificate of good standing may be issued by the Registrar to registered practitioners on receipt of an application along with fees as prescribed provided that no enquiry is pending against the applicant. The certificate shall be valid for a period of six months from the date of issue.

43. Honorarium for attendance of meetings – A sum of five hundred rupees per meeting shall be payable as honorarium to Members of the Council, Executive Committee or co-opted members from outside/assessor for attending meetings. This amount may be revised from time to time by the Council.

44. Fees-

- 1) Fee shall be levied by the Council as given in Appendix D, subject to revision from time to time with the approval of the Government.
- 2) The above fee structure may be revised from time to time.

Sd/-

LHIMATO ZHIMOMI
Principal Secretary to Government of Nagaland

STATEMENT OF OBJECT AND REASONS.

In the interest of safety of life, it is deemed appropriate that health care system in the State is properly regulated. The modern medical care cannot be provided without the help of Nursing personnel. And whereas, there are laws for laying down standards and creating bodies for enforcement in the case of Nursing education, yet there is no laws or machinery to lay down standards and enforce them in case of Nursing personnel and the best way to regulate Nursing personnel is through the state Nursing Council Act.

In the recent years, there has been rapid growth of private Medical institutions in the State. There is no regulation by any professional body over laboratory and Diagnostic Centres.

Accordingly, it is felt expedient to establish a Nursing Council to Superintendent, over the allied health professionals and its institutions with the powers to recognize, register, lying down norms and standards for various courses and trainings, uniform curricula, physical and infrastructural facilities, staffing pattern and staff qualification, quality instruction, assessments and examination system.

Sd/-
SHRI. S. PANGYU PHOM
Minister
Health & Family Welfare Department
Nagaland: Kohima

MEMORANDUM OF DELEGATED LEGISLATION

The Nagaland Nursing Council Act 2019 delegated the power to the State Government to make Rules.

The Rules made therein shall be laid before the Assembly and shall be subject to the scrutiny of the house, Delegation of power is of normal nature.

Sd/-
SHRI. S. PANGYU PHOM
Minister
Health & Family Welfare Department
Nagaland: Kohima

FINANCIAL MEMORANDUM

The proposed introduction of the Nagaland Nursing Council Act 2019 shall be administered by the existing administrative set-up of the Health & Family Welfare Department, and will not entail any extra expenditure from the Consolidated Fund of the State.

Sd/-

SHRI. S. PANGYU PHOM

Minister

Health & Family Welfare Department

Nagaland: Kohima