




The West Bengal Rural Health Regulatory Authority Act, 2009

Act No. 20 of 2009

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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1594-L.—19th September, 2014.—The following Act of the West Bengal Legislature, having been assented to by the President of India, is hereby published for general information:—

West Bengal Act XX of 2009

**THE WEST BENGAL RURAL HEALTH REGULATORY AUTHORITY
ACT, 2009.**

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Kolkata Gazette, Extraordinary*, of the 19th September, 2014.]

An Act to establish the West Bengal Rural Health Regulatory Authority for regulating and registering the diploma holders in rural health care.

WHEREAS it is expedient to establish the West Bengal Rural Health Regulatory Authority to regulate and register the diploma holders in rural health care and their practice of modern medicine in rural areas and also to regulate opening of Institutes of Rural Health Care for imparting education and training for the course of Diploma in Rural Health Care (DRHC);

It is hereby enacted in the Sixtieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

*The West Bengal Rural Health Regulatory Authority Act, 2009.**(Chapter I.—Preliminary.—Sections 1, 2.)*

CHAPTER I

Preliminary

Short title, extent
and
commencement.

1. (1) This Act may be called the West Bengal Rural Health Regulatory Authority Act, 2009.

(2) It extends to the whole of West Bengal.

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

Definitions.

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

- (a) 'Authority' means the West Bengal Rural Health Regulatory Authority established under section 3;
- (b) 'Certificate' means a certificate issued by the Authority under section 17;
- (c) 'Course' means the prescribed course of education and training for the Diploma in Rural Health Care;
- (d) 'Diploma in Rural Health Care' means the diploma awarded by the Authority on successful completion of the course of Diploma in Rural Health Care under the provisions of this Act;
- (e) 'Fund' means the West Bengal Rural Health Regulatory Authority Fund referred to in section 13;
- (f) 'Rural Health Care' means practice of modern medicine (excluding veterinary medicine) and health care services in rural areas in the State of West Bengal subject to the provisions of section 24;
- (g) 'Institute of Rural Health Care' means an institute established under this Act for imparting education, both theoretical and practical, for the course of Diploma in Rural Health Care;
- (h) 'prescribed' means prescribed by rules made under this Act;
- (i) 'regulation' means regulation made under section 23;
- (j) 'rural areas' means the rural areas not included in a Municipal Corporation, a Municipal Board or any other area notified as urban area;
- (k) 'rules' means the rules made under section 22 of this Act;
- (l) 'Rural Health Practitioner' means a holder of the Diploma in Rural Health Care who has registered himself as such with the Authority and obtained a certificate and a registration number;
- (m) 'Standard Treatment Guideline' means the list of diseases and ailments alongwith protocols of treatment and management which shall be followed by the Rural Health Practitioners, and shall also include the list of drugs and procedures which shall respectively be administered or prescribed and performed by the Rural Health Practitioners;
- (n) 'State Register of Rural Health Practitioners' means the register maintained under section 17 and the expressions 'registered' and 'registration' shall be construed accordingly;
- (o) 'State' means the State of West Bengal;
- (p) 'State Government' means the State Government of West Bengal.

*The West Bengal Rural Health Regulatory Authority Act, 2009.**(Chapter II.—Constitution of the West Bengal Rural Health Regulatory Authority.—Sections 3, 4.)*

CHAPTER II

Constitution of the West Bengal Rural Health Regulatory AuthorityEstablishment of
the Authority.

3. (1) The State Government shall, by notification published in the *Official Gazette*, establish an Authority to be called the West Bengal Rural Health Regulatory Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with powers to acquire, hold and dispose of property, movable or immovable and to do all things necessary for the purpose of its functions and continuation and may sue and be sued in its corporate name.

(3) The business of the authority shall be conducted in the manner as may be prescribed.

Constitution of
the Authority.

4. (1) The Authority shall consist of the following members, namely:—
- (a) the Director of Medical Education, West Bengal, Chairman, *ex officio*;
 - (b) the Director of Health Services, West Bengal, Co-Chairman, *ex officio*;
 - (c) one Principal of the Medical Colleges of the State to be nominated by the State Government, Member, *ex officio*;
 - (d) three medical practitioners of repute to be nominated by the State Government, Members;
 - (e) one Principal of the Nursing Colleges of the State to be nominated by the State Government, Member, *ex officio*;
 - (f) one Principal of the Dental Colleges of the State to be nominated by the State Government, Member, *ex officio*;
 - (g) the Registrar of the Authority appointed under sub-section (5) of section 4, Member-Secretary;
 - (h) an officer of the Health and Family Welfare Department of the State not below the rank of Deputy Secretary to be nominated by the State Government, Member, *ex officio*;
 - (i) Joint Director of Medical Education, Member, *ex officio*;
 - (j) Deputy Director of the Directorate of Medical Education, West Bengal, Member-Secretary, *ex officio*;
 - (k) one member from amongst the “Rural Health Practitioners” nominated by the State Government, member;
 - (l) three medical practitioners to be nominated by the Indian Medical Association, Bengal State Branch, members;
 - (m) one member of the teaching faculty of each of the Institutes for Rural Health Care, established under this Act to be elected by the faculty of the respective Institute, member;
 - (n) one member of the West Bengal Legislative Assembly to be nominated by the Speaker, member.

(2) The Chairman and the Co-Chairman shall, subject to the provisions of this Act, exercise such powers and perform such duties as may be prescribed.

(3) The term of the Authority shall be three years from the date of publication of the notification under section 3.

(4) Any interim vacancy amongst the members of the Authority caused by any reason shall be filled up in the like manner in which his predecessor was appointed as such member and only for the rest of the term of the said predecessor.

The West Bengal Rural Health Regulatory Authority Act, 2009.

(Chapter II.—Constitution of the West Bengal Rural Health Regulatory Authority.—Section 5.—Chapter III.—Powers and Functions of the Authority.—Section 6.)

(5) The Authority shall have one full time Registrar and other ancillary or support personnel for running day to day activities:

Provided that the creation of necessary full time posts and appointment thereof shall have to be made with prior sanction of the State Government.

(6) The method of recruitment and conditions of Service of the Registrar and other Personnel shall be such as may be prescribed.

Disqualifications.

5. A person shall not be qualified for being nominated as a member of the Authority, if—

- (a) he is not a citizen of India, or
- (b) he has been sentenced for an offence, or
- (c) he is an employee of the Authority.

CHAPTER III

Powers and Functions of the Authority

Powers and functions.

6. (1) Subject to the provisions of this Act and the rules made thereunder, the Authority shall exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the powers and functions of the Authority shall include—

- (a) to hold, conduct and regulate the examination for the course including entrance test for admission into the Institute of Rural Health Care;
- (b) to maintain State Register of Rural Health Practitioners;
- (c) to hear and decide appeals by and against such registered Rural Health Practitioners;
- (d) to prescribe by regulations code of ethics for regulating the profession and conduct of such registered Rural Health Practitioners;
- (e) to reprimand a Rural Health Practitioner, to suspend or remove the name from the State Register of Rural Health Practitioner or to take such other disciplinary actions against him as may in the opinion of the Authority be necessary or expedient;
- (f) to lay down norms and standard for the course, curriculum, facilities for instruction, training assessments and examinations for students undergoing the course for Diploma in Rural Health Care and of the Institute of Rural Health Care, with prior approval of the State Government;
- (g) to fix norms and guidelines for charging tuition fees with prior approval of the State Government;
- (h) to provide guidelines for admission of students to the course with prior approval of the State Government;
- (i) to inspect the physical facilities, staff position, Hospital and academic infrastructure of an Institute of Rural Health Care imparting education and training for Diploma in Rural Health Care at the time of starting of such an Institute and to give no objection certificate after the said Institute has completed all formalities and norms and to make periodical inspection to judge the compliance of shortcomings pointed out, and to maintain standard of the Institute;
- (j) to perform such other functions as may be prescribed by rules.

*The West Bengal Rural Health Regulatory Authority Act, 2009.**(Chapter IV.—Institute of Rural Health Care.—Sections 7, 8.)*

CHAPTER IV

Institute of Rural Health Care

Minimum
standard.

7. The Authority may prescribe, by regulations, the minimum standards of the course, the curriculum, the examination etc. in respect of the course and the terms and conditions and norms to be fulfilled, facilities to be provided by an Institute of Rural Health Care for imparting education and training for the course of Diploma in Rural Health Care.

Permission to
open an Institute
of Rural Health
Care.

8. (1) Notwithstanding anything contained in this Act or any other law for the time being in force,—

(a) no person or organization, other than the State Government of West Bengal, shall establish an Institute of Rural Health Care without—

(i) the recommendation of the Authority; and

(ii) prior and express permission of the State Government;

(b) the State Government shall not establish an Institute of Rural Health Care without the recommendation of the Authority.

(2) Every person or organization or trust seeking to start an Institute of Rural Health Care shall, for the purpose of obtaining permission under clause (a) of sub-section (1), submit to the State Government, a proposal in accordance with the provisions of this Act and the rules framed thereunder and the State Government shall refer the proposal to the Authority for its scrutiny and recommendations. The State Government, if intend to start an Institute of Rural Health Care, it shall directly refer the proposal to the Authority.

(3) On receipt of the proposal under sub-section (2), the Authority may obtain such other particulars and information as may be considered necessary from the person or the organization concerned and thereafter it may, if the proposal is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or organization concerned for making a written representation and it shall be open to such person or organization to rectify the defects, if any, specified by the Authority.

(4) The State Government may after considering the proposal and the recommendations or observations of the Authority and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or the organization concerned, either approve (with such conditions, if any, as may be considered necessary) or disapprove the proposal.

(5) The Authority while making its recommendations and the State Government while passing an order, either approving or disapproving the proposal, shall have due regard to the following factors, namely:—

(a) whether the proposed person or organization seeking to open an Institute of Rural Health Care would be in a position to offer the minimum standards of education as prescribed by the Authority;

(b) whether the person seeking to establish an Institute of Rural Health Care has adequate financial resources;

(c) whether there are necessary facilities in respect of staff, equipment, accommodation, training and other facilities to ensure proper functioning of the Institute of Rural Health Care;

(d) whether adequate hospital facilities having regard to the number of students likely to attend the Institute of Rural Health Care would be available;

(e) whether adequate qualified teaching and non-teaching staff would be available in the Institute of Rural Health Care;

(f) any other condition as may be prescribed.

The West Bengal Rural Health Regulatory Authority Act, 2009.

*(Chapter IV.—Institute of Rural Health Care.—Sections 9, 10.—Chapter V.—
Secretary and other officers and Staff.—Sections 11, 12.—Chapter VI.—
Fund of the Authority.—Section 13.)*

(6) A copy of the order passed by the State Government, either approving or disapproving of the proposal, shall be communicated to the concerned parties and the Authority.

Powers of
inspection and
information.

9. The Authority shall have powers to inspect or cause inspection and call for any information from an Institute of Rural Health Care as may be required by the Authority to discharge its duties.

Withdrawal of
recognition.

10. (1) When upon a report or inspection or otherwise it appears to the Authority that the courses of study and examinations undergone in any Institute of Rural Health Care, or the staff, equipment, accommodation, training and other facilities for instructions and training provided in such Institute of Rural Health Care do not conform the standards prescribed by the Authority; the Authority may refer the matter to that effect to the State Government.

(2) After considering such reference, the State Government may send such reference to the Institute of Rural Health Care with an intimation of the period within which the Institute of Rural Health Care may submit its explanation to the State Government.

(3) On receipt of the explanation or where no such explanation is received within the period fixed, the State Government, after making such further inquiry as it may think fit, may, by an order, derecognize the Institute of Rural Health Care and on such derecognition the said Institute of Rural Health Care shall not admit any student for the course.

CHAPTER V

Secretary and other officers and Staff

Secretary and
other officers
and staff of the
Authority.

11. (1) The Registrar of the Authority appointed under sub-section (5) of section 4, shall be the Secretary of the Authority.

(2) The State Government may place at the disposal of the Authority the required manpower to enable the Authority to function smoothly.

(3) The Secretary, other officers and the staff shall be under the administrative control of the Authority and shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

Duties and
functions of the
Secretary.

12. (1) It shall be the duty of the Secretary to keep and maintain the State Register of Rural Health Practitioners in accordance with the provisions of this Act and the rules made thereunder, and to revise it from time to time in such manner as may be prescribed.

(2) The Secretary shall see that the State Register of Rural Health Practitioners is correct at all times and may, from time to time, enter therein any material alteration in the address or qualifications of the Rural Health Practitioners.

(3) The Secretary may remove from the State Register of Rural Health Practitioners the name of diploma holders who have died or whose name is directed to be removed from the State Register of Rural Health Practitioners.

CHAPTER VI

Fund of the Authority

Fund of the
Authority.

13. (1) The Authority shall establish a fund to be called the West Bengal Rural Health Regulatory Authority Fund.

(2) The following shall form part of or be paid into the Fund:—

(a) any contribution or grant made by the Central Government or the State Government;

*The West Bengal Rural Health Regulatory Authority Act, 2009.**(Chapter VI.—Fund of the Authority.—Sections 14-16.—Chapter VII.—Registration and State Register of Rural Health Practitioners.—Section 17.)*

- (b) income of the Authority from the sources including income from fees;
- (c) trust, donations, endowments and other grants, if any; and
- (d) all other sums received by the Authority.

Purpose for which the Fund of Authority be utilized.

14. The Fund of the Authority may be utilized for the following purposes, namely—

- (a) the expenses of any suit or legal proceeding to which the Authority is a party;
- (b) the payment of salaries and allowances to the officers and staff of the Authority, if any;
- (c) the payment of allowances to the Members of the Authority, if required;
- (d) the payment of any expenses incurred by the Authority in carrying out the provisions of this Act and the rules framed thereunder.

Accounts and Audit.

15. (1) The accounts of the Authority shall be prepared before such date and at such intervals, and in such manner as may be prescribed.

(2) The accounts of the Authority shall be audited by a Chartered Accountant. The Audit fees of the Chartered Accountant shall be fixed by the Authority from time to time.

(3) As soon as the accounts of the Authority are audited, the Authority shall send a copy thereof together with a report of the Auditor to the State Government.

(4) Notwithstanding anything contained in the foregoing provisions of this section, the accounts of the Authority shall be subject to the audit by the Comptroller and Auditor General.

Budget.

16. (1) The Secretary shall prepare the budget of the Authority and place the same in a meeting of the Authority before the commencement of a financial year and the Authority after due discussion, addition or alteration, as it may think necessary, shall pass the budget and the Secretary shall forward a copy thereof to the State Government.

(2) The State Government, after due consideration, shall release assistance or grants in favour of the Authority for carrying out the purposes of this Act.

(3) The Authority shall be competent to re-appropriate such amounts as may be necessary from one head to another and within such heads.

CHAPTER VII

Registration and State Register of Rural Health Practitioners

State Register of Rural Health Practitioners.

17. (1) The Authority shall cause to be maintained in the prescribed manner and form a register of Diploma Holders in Rural Health Care to be known as the State Register of Rural Health Practitioners.

(2) It shall be the duty of the Secretary to keep and maintain the State Register of Rural Health Practitioners in accordance with the provisions of this Act and the rules made thereunder.

(3) The State Register of Rural Health Practitioners shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872.

(4) Every person on successful completion of the course shall be eligible for enrolment in the State Register of Rural Health Practitioners on furnishing to the Secretary the proof of such qualification and on payment of such fees as may be prescribed.

*The West Bengal Rural Health Regulatory Authority Act, 2009.**(Chapter VII.—Registration and State Register of Rural Health Practitioners.—Sections 18-21.)*

(5) Every person whose name has been enrolled in the State Register of Rural Health Practitioners shall be entitled to have a certificate issued by the Authority under the hand and seal of the Chairman and the Secretary and bearing a Registration Number and shall be eligible to practice Rural Health Care in rural areas of the State of West Bengal:

Provided that no Rural Health Practitioner shall use the word “Doctor” or “Dr.” before and after his name. However he may identify himself as Rural Health Practitioner or RHP.

Power of the Authority to prohibit entry in, or to order removal from State Register, name of any person.

18. The Authority may, upon a reference from the Secretary or otherwise, by order prohibit the entry in, or order the removal from, the State Register of Rural Health Practitioners, the name of any person—

- (a) who has been sentenced by a criminal court for imprisonment for an offence indicating, in the opinion of the Authority, such a defect in character as would render the enrolment or continuance of his name in the State Register of Rural Health Practitioners undesirable;
- (b) whom the Authority after reasonable inquiry has found guilty of infamous conduct in any professional respect by a majority of two-thirds of the members present and voting at the meeting:

Provided that no order shall be passed under this section without giving a reasonable opportunity of being heard to the person concerned.

Alteration of the State Register of Rural Health Practitioners.

19. (1) The Authority may, after giving the person concerned a reasonable opportunity of being heard and inquiring into his objections, if any, order that any entry in the State Register of Rural Health Practitioners, which in the opinion of the Authority, has incorrectly or fraudulently been made or brought about, be cancelled or amended.

(2) The Authority may direct removal for ever, or for a specified period from the State Register of Rural Health Practitioners the name of any Rural health Practitioner for the same reason for which registration may be prohibited or denied by the Authority under section 18.

Appeal against order of the Authority.

20. Any person whose application for enrolment in the State Register of Rural Health Practitioners has been rejected or whose entry in the State Register of Rural Health Practitioners has been denied or prohibited under section 18, or whose name has been removed from the State Register of Rural Health Practitioners may within ninety days of the order rejecting, prohibiting or removing, as the case may be, may prefer an appeal to the State Government and the decision of the State Government thereon shall be final.

Prohibition of Practice except as provided in this Act.

21. (1) No person, whose name is not enrolled or has been cancelled or removed from the State Register of Rural Health Practitioners, shall practice Rural Health Care at any place whether the rural areas or urban areas.

(2) Any person who contravenes the provision of sub-section (1) shall be punished with imprisonment, which may extend to six years or fine which may extend to thirty thousand rupees, or with both.

*The West Bengal Rural Health Regulatory Authority Act, 2009.**(Chapter VIII.—Rules and Regulations.—Sections 22, 23.)*

CHAPTER VIII

Rules and Regulations

Power to make rules.

22. (1) The State Government may make rules to carry out the purposes of this Act.

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

- (a) the management of property of the Authority and the maintenance and audit of its accounts;
- (b) powers, functions and duties of the Chairman and the Co-Chairman of the Authority;
- (c) the travelling and other allowances including the sitting allowance payable to the Members of the Authority and the fees of the Auditor;
- (d) the qualifications, conditions of the service and pay and allowance of the officers and staff of the Authority;
- (e) the form and the manner for maintenance of the State Register of Rural Health Practitioners and the manner of revision thereof;
- (f) any other matter that may be required to be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the West Bengal Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the West Bengal Legislative Assembly agree in making any modification in the rules or the West Bengal legislative Assembly agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rules.

Power to make regulations.

23. (1) The Authority may, with the previous approval of the State Government and subject to the provisions of this Act and the rules made under section 22, make regulations generally to carry out the purposes of this Act and without prejudice to the generality of the foregoing powers, such regulations may provide for—

- (a) the conduct of business of the Authority and the procedure to be followed for such conduct of business;
- (b) the mode of appointment of committees, the summoning and holding of meetings and the conduct of business of such committees;
- (c) the code of ethics for regulating the professional conduct of Rural Health Practitioners;
- (d) the manner of admission to the Institute of Rural Health Care in the State;
- (e) the manner in which the examinations for the course in the Institute of Rural Health Care are to be conducted;
- (f) any other matter for which under this act or the rules made thereunder provision is required to be made by regulations.

(2) The State Government, on receiving the regulations, may approve them subject to such modifications as it may think fit or return the same to the Authority for reconsideration.

(3) The State Government may, by order, require the Authority to amend, alter, rescind or modify the regulations in the manner as it may direct, and the Authority on receipt of such an order shall amend, alter, rescind or modify the regulations accordingly.

The West Bengal Rural Health Regulatory Authority Act, 2009.

(Chapter IX.—Powers and functions of Rural Health Practitioners.—
Section 24.—Chapter X.—Miscellaneous.—Sections 25-28.)

CHAPTER IX

Powers and functions of Rural Health Practitioners

Powers and
functions.

24. The Rural Health Practitioners shall be eligible to practice Rural Health Care subject to the following conditions, namely:—

- (a) they shall treat only those diseases and carry out those procedures which shall be outlined in the “Standard Treatment Guidelines”, as may, by notification, be published by the State Government;
- (b) they shall prescribe only those drugs, which shall be outlined in “Standard Treatment Guidelines”, as may, by notification, be published by the State Government;
- (c) they shall not carry out any surgical procedure, invasion, treatment, Medical Termination of Pregnancy etc., but shall confine themselves to such medicinal treatment and perform such minor surgery as contained in “Standard Treatment Guidelines”, as may, by notification, be published by the State Government;
- (d) they shall practice only in rural areas as defined in this Act;
- (e) they may issue illness certificates and death certificates;
- (f) they shall maintain name, address, age, sex, diagnosis and treatment records of all patients treated by them; and
- (g) they shall not be eligible for employment in Hospitals, Nursing Homes and Health establishments located in urban areas as General Duty Physicians involved in patient care in Out Patient’s Department, Emergency and Indoor Service.

CHAPTER X

Miscellaneous

Penalty for
dishonest use of
certificate.

25. Any person who,—

- (a) dishonestly makes use of any certificate of registration granted to him; or
- (b) procures or attempts to procure registration under the provisions of this Act by making or producing or causing to be made or produced a false or fraudulent declaration, certificate or representation whether in writing or otherwise; or
- (c) wilfully makes or causes to be made by false representation in any matter relating to the certificate or registration issued under provisions of this Act;

Shall on conviction, be punishable, with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

Cognizance of
offences.

26. No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing made by the Secretary or any other officer authorized by the Authority in this behalf by general or special order of the Authority.

Information to
be furnished by
the Authority.

27. The Authority shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the State Government as the State Government may require.

Penalties for not
following section
24 of this Act.

28. Any registered Rural Health Practitioners who does not strictly follow the conditions laid down under section 24 of this Act shall be liable to be—

- (a) prosecuted under the provisions of this Act and on conviction may be imprisoned for six months or fined with five thousand rupees or both;
- (b) his name shall be removed from the State Register of Rural Health Practitioners.

The West Bengal Rural Health Regulatory Authority Act, 2009.

(Chapter X.—Miscellaneous.—Section 29.)

Control by the
State Government.

29. If at any time it appears to the State Government that the Authority has failed to exercise, or has exceeded or abused any powers conferred upon it by or under this Act, or has failed to perform any of the duties entrusted or vested upon it by or under this Act, the State Government may, if it consider such failure, excess or abuse, to be of a serious nature, notify the particulars thereof to the Authority, requiring it to remedy such failure, excess or abuse within the period specified in the notice, and if the Authority fails to remedy such failure, excess or abuse within the period specified in the notice, the State Government may dissolve the Authority and cause all or any of the powers and duties of the Authority to be exercised by such person and for such period not exceeding two years as it may think fit, and shall take steps to bring into existence a new Authority.

By order of the Governor,

MALAY MARUT BANERJEE,

*Secy. to the Govt. of West Bengal,
Law Department.*