



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ३६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Nurses (Amendment) Bill, 2018 (L. A. Bill No. IX of 2018), introduced in the Maharashtra Legislative Assembly on the 14th March 2018, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. IX OF 2018.

A BILL

further to amend the Maharashtra Nurses Act, 1966.

Mah. XL of 1966. WHEREAS it is expedient further to amend the Maharashtra Nurses Act, 1966, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-ninth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Maharashtra Nurses (Amendment) Act, 2018. Short title and commencement.

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

Mah. XL of 1966. 2. In section 4 of the Maharashtra Nurses Act, 1966 (hereinafter referred to as "the principal Act"),— Amendment of section 4 of Mah. XL of 1966.

(a) in sub-section (2),—

(i) before the existing proviso, the following proviso shall be inserted, namely:—

(१)

“Provided that, the State Government may, by order, give extension to a Member, President or Vice-President, even after expiry of his term, initially, for such period not exceeding six months, which period may, in the like manner further be extended by a further period not exceeding six months, so that the total period of extensions shall not exceed one year in the aggregate : ” ;

(ii) in the existing proviso, for the words “Provided that” the words “Provided further that” shall be substituted ;

(b) sub-sections (3), (4) and (5) shall be deleted.

Amendment
of section 40
of Mah. XL
of 1966.

3. In section 40 of the principal Act, after sub-section (2), the following sub-section shall be added, namely :—

“ (3) Notwithstanding anything contained in this Act, if for any reasons the Council cannot be constituted after expiry of the term of Members including President and Vice-President as specified in sub-section (2) of section 4 or after expiry of period of extension granted under the first proviso to the said sub-section (2) of section 4, as the case may be, the Government may appoint an administrator or Board of administrators for exercising all the powers and performing duties and discharging the functions conferred and imposed upon the Council by or under this Act, initially for a period not exceeding one year and thereafter for such further period or periods so that the total period shall not exceed two years in the aggregate. ” .

STATEMENT OF OBJECTS AND REASONS.

The Maharashtra Nurses Act, 1966 (Mah. XL of 1966) is enacted to unify and make better provision in the law regulating registration and training of nurses in the State of Maharashtra and to provide for matters connected with the purposes aforesaid. The provisions of the said Act have lastly been amended by Mah. XXIII of 2013. Section 3 of the said Act of 1966 provides for constitution of the Maharashtra Nursing Council for the purposes of the said Act consisting of certain *ex-officio* members, elected members and nominated members as specified therein. Elections of the members of the Council are conducted as per the Maharashtra Nursing Council Rules, 1971 framed under the said Act.

2. Sub-section (2) of section 4 of the said Act provides that a member, other than an *ex officio* member, shall hold office for a term of five years from the date of publication of the notification under sub-section (1) thereof. However, in view of the provisions of sub-sections (3), (4) and (5) of section 4 of the said Act the term of existing members and President and Vice-President shall be deemed to extend till their successors take charge of their office.

There is no provision in the said Act enabling the Government to appoint administrator for the period during which the term five years of elected members of Council is complete and the new members take charge after elections.

3. It is, therefore, considered expedient to suitably amend section 4 of the said Act to restrict the term of elected members till five years and with power of the State Government to grant extension to a member, President or Vice-President, even after expiry of his term which period of extension shall not exceed one year in the aggregate. It is also proposed to amend section 40 so as to empower the State Government to appoint administrator or Board of administrators in the intervening period if for any reasons the council cannot be constituted after expiry of the term of members.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 7th March 2018.

GIRISH MAHAJAN,
Minister for Medical Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1(2).— Under this clause, power is taken to the State Government to bring the Act into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Clause 2(a).— Under this clause, power is taken to the State Government to issuing an order granting an extension to a Member, President or Vice-President of the Maharashtra Nursing Council constituted under the Maharashtra Nurses Act, 1966 (Mah. XL of 1966) even after expiry of their term.

Clause 3.— Under this clause, power is taken to the State Government to appoint an administrator or Board of administrators for exercising all the powers and performing duties and discharging the functions conferred and imposed upon the council by or under the said Act if for any reasons the council cannot be constituted after expiry of the term of members thereof.

2. The above-mentioned proposals for delegation of legislative power are of normal character.