



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. XL OF 1966.

THE MAHARASHTRA NURSES ACT, 1966.

(As modified upto the 25th April 2013)

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THE MAHARASHTRA NURSES ACT, 1966.

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SCHEDULE.

MAHARASHTRA ACT No. XL OF 1966.¹

[THE MAHARASHTRA NURSES ACT, 1966.]

(This Act received the assent of the President on the 22nd December 1966 ;
assent was first published in the Maharashtra Government Gazette,
Part IV, on the 30th day of December 1966.)

Amended by Mah. 17 of 1969.*

Amended by Mah. 3 of 1973.

An Act to unify and make better provision in the law relating to nurses
in the State of Maharashtra.

WHEREAS, it is expedient 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 ; It is hereby enacted in the Seventeenth Year of the Republic of India as follow :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Maharashtra Nurses Act, 1966.

(2) It extends to the whole of the State of Maharashtra.

(3) (a) Section 1 shall come into force at once.

(b) The remaining provisions of this Act (except Chapters V and VI) shall come into force on such² date as the State Government may, by notification in the Official Gazette, appoint.

(c) Chapter V shall come into force in the Bombay area on the date on which the remaining provisions come into force under clause (b) ; but that Chapter shall come into force in the rest of the State on such subsequent date as the State Government may, by like notification, appoint.

(d) Chapter VI shall come into force on such date subsequent to the date referred to in clause (b) as the State Government may, by like notification, appoint.

Short title,
extent and
commence-
ment.

¹ For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1966, Part V Extra., Pages 434–436.

² 15th day of February 1967 (Vide G. N., U. D., P. H. & H. D., No NBC. 1066/Unification-I, dated 13th February 1967).

* Maharashtra Ordinance No. III of 1969 was repealed by Mah. 17 of 1969, s. 3.

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

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

(b) "appointed day" means the date on which the remaining provisions come into force under clause (b) of sub-section (3) of section 1 ;

(c) "by-law" means a by-law made or continued in force under this Act ;

(d) "Council" means the Maharashtra Nursing Council constituted or deemed to be constituted under this Act ;

(e) "Examination Board" means the Examination Board of the Council constituted under section 12 ;

(f) "Executive Committee" means the Executive Committee of the Council constituted under section 11 ;

(g) "Institution" includes any association, which maintains or controls nurses establishment ;

(h) "licensing authority" in the case of a municipal area means the municipal corporation or municipal council established for such area, and in the case of any other area, the Zilla Parishad established therefor ;

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

(i) "List" means a List of nurses prepared or deemed to be prepared and maintained under this Act ;

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

(k) "Nurse" includes male nurse, auxiliary nurse, public health nurse, midwife, auxiliary nurse-midwife and health visitor ;

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

(m) "prescribed" means prescribed by rules ;

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

(o) "recognised institution" means any institution recognised or deemed to be recognised for training of nurses in accordance with this Act and the by-laws ;

(p) "Region" means the areas comprised in each of the five Regions in the State specified in the Schedule to this Act ;

(q) "Register" means a Register of nurses prepared or deemed to be prepared and maintained under this Act, and the expressions "registered" and "registration" shall be construed accordingly ;

(r) "Registrar" means the Registrar of the Council ;

(s) "Rule" means rule made or continued in force under this Act ;

(t) "State" means the State of Maharashtra ;

(u) "Vice-President" means the Vice-President of the Council.

CHAPTER II.

CONSTITUTION, FUNCTIONS AND POWERS OF THE COUNCIL.

3. (1) The State Government may, by notification in the Official Gazette, constitute a Council, to be called "the Maharashtra Nursing Council"

Constitution and incorporation of the Council.

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract, and may, by the name aforesaid, sue and be sued.

(3) The Council shall consist of the following members, that is to say,—

(a) ex-officio members,—

¹[(i) the Director of Health Services ;

(ii) the Director of Medical Education and Research ;]

(iii) the Superintendent of Nursing Services, Government of Maharashtra ;

(b) elected members,—

(i) one member from each of the five Regions, to be elected by nurses registered in the Register under the relevant Region, from amongst themselves ;

(ii) two members, to be elected by the heads of affiliated institutions, from amongst themselves ;

(iii) five members, to be elected by matrons of affiliated institutions, from amongst themselves ;

(iv) two members, to be elected, from amongst themselves, by the sister tutors of affiliated institutions and the heads of Nursing Colleges recognised by the Council in this behalf ;

(v) one member, to be elected by the members of the Maharashtra Medical Council constituted or deemed to be constituted under the Maharashtra Medical Council Act, 1965 ; and until such Council comes into existence, by the members of the Medical Council functioning in the State under the Bombay Medical Act, 1912, and the Central Provinces and Berar Medical Registration Act, 1916, from amongst themselves ;

(vi) one member, to be elected by the Co-ordination Committee (by whatever name called) of the local branches in the State of the Indian Medical Association ;

(vii) one member, to be elected by members of Faculties of Nursing, or where there are no such Faculties by members of Faculties of Medicine, of the Universities in the State established by law, which confer a degree in Nursing ;

(viii) one member, to be elected by the State Branch of the Indian Red Cross Society ;

Mah.
XLVI
of 1965.
Bom.
VI of
1912.
C. P.
and
Berar
I of
1916.

¹ These sub-clauses were substituted by Mah. 3 of 1973, s. 3. Sch.

(c) nominated members.—

four members, to be nominated by the State Government, out of whom at least three shall be nurses, medical practitioners or teachers in Nursing Colleges.

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

(5) The election of the members, and of the President and Vice-President, shall be held at such time, and at such place, and in such manner, as may be prescribed.

(6) If, at any election, the electors fail to elect the requisite number of members or to elect the President or Vice-President, the State Government shall nominate such person or persons who are qualified to be elected, as it deems fit, to fill the vacancy or vacancies ; and the person or persons so nominated shall be deemed to have been duly elected under this section.

(7) Where any dispute arises regarding any election of a member, or of the President or Vice-President, it shall be referred to the State Government, and the decision of that Government shall be final.

Term of office. 4. (1) The State Government shall, by notification in the Official Gazette, publish the names of the members, both elected and nominated.

(2) Save as otherwise provided in this Act, 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) :

Provided that, where a person is elected under paragraph (v) of clause (b) of sub-section (3) of section 3, he shall cease to hold office as a member if he ceases to be a registered medical practitioner.

(3) Save as otherwise provided by this Act, the President and the Vice-President shall hold office from the date of his election up to the date on which his term of office as a member expires.

(4) The term of office of the outgoing members shall, notwithstanding anything contained in sub-section (2), be deemed to extend to and expire with the day immediately preceding the day on which the names of the successor members are published under sub-section (1).

(5) The term of office of an outgoing President or Vice-President shall, notwithstanding anything contained in sub-sections (2) and (3), be deemed to extend to and expire with the day immediately preceding the day on which the successor President or Vice-President, as the case may be, is elected.

(6) An outgoing member, President or Vice-President, shall be eligible for re-election or re-nomination.

(7) Leave of absence may be granted by the Council to any member for a period not exceeding six months.

5. (1) Any casual vacancy, previous to the expiry of the term, in the office of the President or Vice-President or of a member elected under clause (b) of sub-section (3) of section 3, caused by reason of death, resignation, disqualification or disability or any other reason, shall be filled by election :

Casual vacancies.

Provided that, any vacancy in the office of an elected member occurring within six months prior to the date on which the term of office of all the members expires, shall not be filled.

(2) Any casual vacancy, previous to the expiry of the term, in the Office of a member nominated under clause (c) of sub-section (3) of section 3, shall be reported forthwith by the Registrar to the State Government, and shall, as soon as possible thereafter, be filled by the State Government by nomination.

(3) Any person elected under sub-section (1) or nominated under sub-section (2) to fill a casual vacancy shall, notwithstanding anything contained in nominated section 4, hold office only so long the person in whose place he is elected or nominated would have held office, if the vacancy had not occurred.

6. (1) The President or the Vice-President may at any time resign his office by notice in writing addressed to the Council, and delivered to the Registrar. The resignation shall take effect from the date on which it is accepted by the Council.

Resignation.

(2) An elected member may at any time resign his office by a notice in writing addressed to the President. A nominated member may at any time resign his office by notice in writing addressed to the State Government. Every such resignation shall take effect from the date on which it is accepted by the President or, as the case may be, the State Government.

7. (1) A person shall be disqualified for being elected or nominated as, and for continuing as, a member,—

Disqualification and disability.

- (a) if he is an undischarged insolvent ;
- (b) if he is of unsound mind, and stands so declared by a competent court ;
- (c) if his name has been removed from the Register or List and has not been re-entered therein ; or
- (d) if he is a whole-time officer or servant of the Council ;

(2) In any member absents himself from three consecutive meetings of the Council, without leave of the Council or without such reasons as may, in the opinion of the Council be sufficient, the Council may declare his seat vacant, and take steps to fill the vacancy.

(3) If any member becomes or is found to be, subject to any of the disqualifications mentioned in sub-section (1), the Council shall submit a report to the State Government, and the State Government shall, if satisfied that the member is disqualified, declare his seat vacant.

8. (1) The meetings of the Council shall be convened, held and conducted in such manner as may be prescribed.

Meetings of the Council.

(2) The President, when present, shall preside at every meeting of the Council. If at any meeting the President is absent, the Vice-President, and in the absence of both, any other member elected by the members present from amongst themselves, shall preside at such meeting.

(3) All questions at a meeting of the Council shall be decided by a majority of votes.

(4) In case of an equality of votes, the presiding authority at a meeting shall have and exercise a second or a casting vote.

(5) Eight members (including the President and the Vice-President) shall form a quorum. When a quorum is required but not present, the presiding authority shall adjourn the meeting to such hour on some future day, as it may notify on the notice-board at the office of the Council ; and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

Proceedings
of meetings
and validity
of acts.

9. (1) The proceedings of the discussion of every meeting of the Council, shall be treated as confidential ; and no person shall, without the previous resolution of the Council, disclose any portion thereof :

Provided that, nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution adopted by the Council, unless the Council directs such resolution also to be treated as confidential.

(2) No disqualification of or defect in the election or nomination of any person as a member, or as the President, or as the Vice-President, or as a presiding authority of a meeting, shall of itself be deemed to vitiate any act or proceedings of the Council in which such person has taken part, whenever the majority of persons who are parties to such act or proceedings, were entitled, to vote.

(3) During any vacancy in the Council, the continuing members may act, as if no vacancy has occurred :

Provided that the number of vacancies shall at any time not exceed seven.

Powers,
duties and
functions of
the Council.

10. Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Council shall be—

(a) to maintain the Register and the List, and to provide for the registration and enlistment of nurses ;

(b) to hear and decide appeals from any decision of the Registrar ;

(c) to prescribe a Code of Ethics for regulating the professional conduct of nurses ;

(d) to reprimand a registered or an enlisted nurse, or to suspend or remove him from the Register or the List, as the case may be, or to take such other disciplinary action against him as may, in the opinion of the Council, be necessary or expedient ;

(e) to hold examinations and to make all necessary arrangements for such examination ;

(f) to prescribe the courses of training leading to the examinations held by the Council, and to charge fees for such examinations ;

(g) to prepare, publish and prescribe text-books and to publish statements of prescribed courses of study ;

(h) to grant certificates and diplomas and marks of honour ;

(i) to award stipends, scholarships, medals, prizes and other rewards ;

(j) to recognise institutions for the purpose of training and giving instruction for the courses leading to the examinations held by the Council, or to cancel such recognition ;

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

(l) to provide for the inspection of recognised and affiliated institutions, and to require such institutions to furnish such information as may be necessary ;

(m) subject to the approval of the State Government, to receive donations and to determine the conditions of acceptance of donations ; and

(n) to exercise such other powers and perform such other duties and functions as are laid down in this Act, or as may be prescribed.

11. (1) The Council shall, as soon as may be, constitute an Executive Committee consisting of the President ex-officio, and such number of other members elected by the Council from amongst its members, as may be prescribed.

Executive Committees and other Committees.

(2) The term of office of, and the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee, shall be such as may be prescribed.

(3) In addition to the powers, duties and functions conferred, imposed and entrusted by this Act, the Executive Committee shall exercise such powers, perform such duties, and discharge such functions, of the Council as may be delegated to it by rules or entrusted to it, from time to time, by the Council.

(4) The Council may, subject to any rules made in this behalf, from time to time, by resolution passed at a meeting, appoint any other Committee or Committees of its members consisting of such number of persons, on such terms and for performing such functions as may be specified in the resolution.

12. (1) The Council shall constitute an Examination Board consisting of a Chairman and six other persons elected by the Council, out of whom three shall be members of the Council. The Chairman of the Examination Board shall be a person with such qualifications as may be prescribed :

Examination Board.

Provided that, an elected member of the Council shall continue to hold office of a member of the Examination Board only so long as he is a member of the Council.

(2) The term of office of, and the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Examination Board shall be such as may be prescribed.

(3) It shall be the duty of the Examination Board to appoint examiners, to conduct examinations held by the Council and to make recommendations to the Council in respect of the courses of studies, and to perform such other duties and functions in connection with the said examinations as may be prescribed.

13. There shall be paid to the President, Vice-President and other members of the Council and to the members of the Executive Committee and other Committees (if any) appointed by the Council, and to the Chairman and members of the Examination Board and of the appellate authority referred to in sub-section (4) of section 19, such fees and allowances for attendance at meetings, and such reasonable travelling allowances, as shall, from time to time, be prescribed.

Fee and allowances for meeting.

14. (1) The income of the Council shall consist of—

- (a) fees received under this Act or the rules or by-laws made thereunder ;
- (b) grants received from the State Government, if any ; and
- (c) any other sums received by the Council.

Income and expenditure of the Council.

(2) It shall be competent for the Council to incur expenditure for the following purposes, namely :—

- (a) salaries and allowances of the Registrar and the staff maintained by the Council ;
- (b) fees and allowances to be paid to the members of the Council and other persons mentioned in section 13 ;
- (c) remuneration to be paid to the examiners and other persons appointed by the Council for the conduct of the examinations ;
- (d) such other expenses as are necessary for performing its duties and discharging its functions under this Act, or the rules or by-laws made thereunder.

Registrar of
the Council,
and his
duties and
functions.

15. (1) The Council shall, with the previous sanction of the State Government, appoint a Registrar.

(2) The Executive may, from time to time, grant leave to Registrar :

Provided that, if the period of leave does not exceed one month, the leave may be granted by the President.

(3) During any temporary vacancy in the office of the Registrar due to leave or any other reason, the Executive Committee may, with the previous sanction of the State Government appoint another person to act in his place ; and any person so appointed shall, for the period of such appointment, be deemed to be the Registrar for the purposes of this Act :

Provided that, when the period of such vacancy does not exceed one month, the appointment may be made by President, who shall forthwith report such appointment to the Executive Committee and the State Government.

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

(5) Save as otherwise provided by this Act, the salary and allowances and other conditions of service of the Registrar shall be such as may be prescribed.

(6) The Registrar shall be the Secretary and the Executive Officer of the Council. He shall attend all meetings of the Council, and of all its Committees and of the Examination Board, and shall keep minutes of the names of members present and of the proceedings at such meetings.

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

(8) The Registrar shall have such supervisory powers over the staff as may be prescribed, and may perform such other duties and discharge such other functions as may be specified in this Act or the rules or by-laws made thereunder.

(9) The Registrar appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of
1860.

Other
employees of
the Council.

16. (1) The Council may appoint such officers and servants, other than the Registrar, as it may deem necessary for performing its duties and discharging its functions under this Act :

Provided that, the number and designations of such officers and servants and their salaries and allowances shall be determined by the Council, with the previous sanction of the State Government.

(2) Notwithstanding anything contained in sub-section (1), but, subject to such financial limit as may be laid down in this behalf by the Council, it shall be competent for the Executive Committee to create temporary posts of clerks or servants and to make appointments thereto, to meet any temporary increase in work, or to carry out any work of a seasonal character.

(3) The method or recruitment and the other conditions of service of the officers and servants of the Council shall be such as may be prescribed.

(4) The officers and servants of the Council appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of
1860.

CHAPTER III.

REGISTRATION AND ENLISTMENT.

17. (1) As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a Register of nurses for the State, in accordance with the provisions of this Act. Preparation of Register.

(2) The Register shall consist of five parts, one for each Region. It shall be in such form, and may and may be divided into such sections as may be prescribed. It shall include the full name, address and qualification of the registered nurse, the date on which each qualification was obtained, and such other particulars as may be prescribed.

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

XLV-
III of
1947.

Provided that, the name of an applicant who is unable to present his degree, diploma or certificate may be entered in the Register, if he satisfies the President that he holds such degree, diploma or certificate but cannot for sufficient cause present the same with his application.

(b) Such person shall specify in the application the Region in which he desires to be registered and shall not be entitled to be registered in more than one Region :

Provided that, if he fails to specify the Region in which he should be registered, the Council shall have the power to enter his name in the Region in which his address is situated and if no address in the State is given in such Region as the Council may, after considering all other particulars submitted by the applicant, decide.

(4) The name of every person—

(a) who on the day immediately preceding the appointed day stands entered in any register duly kept under the Bombay Nurses, Midwives and Health Visitors Act, 1954, as in force in the Bombay area of the State ; or

Bom.
XIV
of
1954.

(b) who, on or after the 1st November 1956, being entered in any register other than that of dais duly kept under the Central Provinces and Berar Nurses Registration Act, 1936, as in force in the Vidarbha region of the State, stands entered therein on the day immediately preceding the appointed day,

C. P.
and
Berar
XXIII
of
1936.

shall be entered in the Register prepared under this Act, without such person being required to make an application, or to pay any fee for this purpose.

(5) (a) The name of every person who on the day immediately preceding the appointed day—

(i) stands entered in any register (other than that of dais) duly kept under the Central Provinces and Berar Nurses Registration Act, 1936, as in force in the Vidarbha region of the State (not being a person already covered by the last preceding sub-section) ; or

C. P. and
Berar
XXIII
of 1936.

(ii) stands entered in Part I of any register duly kept under the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951, as in force in the Hyderabad area of the State,

Hyd.
XIX
of
1951.

shall, subject to the provisions of clause (b), be entered in the Register kept under this Act, without such person being required to make an application, or to pay any fee for this purpose.

(b) Notwithstanding anything contained in clause (a), within a period of three months from the appointed day or such further period as the State Government may allow, the Registrar shall publish a general notice in the Official Gazette and in such newspapers as the Council may select, in such form as may be prescribed, and send individual notice by registered post to every such person referred to in clause (a) at his last known address in such form as may be prescribed, calling upon every such person to pay to the Registrar in the prescribed manner a fee of two rupees if he desires to continue his name on the Register under this Act. The name of every such person who pays such fees before the expiry of the period of two months from the date of publication of the general notice in the Official Gazette shall be continued on the Register under this Act, without such person being required to make an application or to pay any other fee for this purpose. If such fee is not paid within time, the Registrar shall remove the name of the defaulter from the Register :

Provided that, if an application for continuance of the name so removed is made to the Registrar within a period of six months from the last date on which such fee should have been paid, the name so removed may be re-entered in the Register on payment of a fee of five rupees.

(6) The name of every person eligible to be entered in the Register under this Act under sub-section (4) or (5) shall be entered in the part relating to that Region in which his address as given in the register under the repealed Act is situated, and if the address is not situated in the State, the Council shall have the power to enter his name in that Region in which the repealed Act under which he was registered was in force or in such other Region as it deems fit.

(7) After the last date for payment of the fee of two rupees under clause (b) of sub-section (5) has expired and the Register prepared in accordance with the foregoing provisions is ready, the Registrar shall publish a notice in the Official Gazette and such newspapers as the Council may select, about the Register having been prepared and the Register shall come into force from the date of publication of such notice in the Official Gazette.

(8) Every registered practitioner shall be given a certificate of registration in the prescribed form. Such certificate shall be valid upto the date specified therein.

Temporary
registration.

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

XL-
VIII
of
1947.

(2) Every person whose name is entered in the Register under sub-section (1) shall be given a certificate of temporary registration in the prescribed form. Such certificate shall remain in force for such period as may be specified therein.

(3) Any person who possesses temporary registration under sub-section (1) shall not be eligible to stand as a candidate or to vote at any election held under this Act.

19. (1) As soon as may be, after the appointed day, the Registrar shall, in accordance with the provisions of this Act, prepare and maintain thereafter a List of persons not entitled to registration under section 17, but who have been practising as nurses. Preparation of list.

(2) The List shall contain—

(a) the name of every person who on the day immediately preceding the appointed day stood entered—

- C. P. and Berar XXIII of 1936. Hyd. XIX of 1951.
- (i) as a dai in the register duly kept under the Central Provinces and Berar Nurses Registration Act, 1936, as in force in the Vidarbha region of the State ;
- (ii) in Part II of the register duly kept under the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951, as in force in the Hyderabad area of the State, without such person being required to make an application or to pay any fee for this purpose ;

(b) the name of every person whose case is not covered by clause (a) but who makes an application ¹[on or before the 14th day of February 1971] to the Registrar in the prescribed form accompanied by a fee of ten rupees and such documents as may be prescribed and who proves to the satisfaction of a Committee appointed under sub-section (3) that on the 16th day of September, 1966, he was regularly practising as a nurse in any part of the State and fulfils such other conditions as may be determined by the Council.

(3) All applications for enlistment under sub-section (2) shall be considered by a Committee consisting of a Chairman and two other members of the Council appointed by the State Government.

(4) Any person aggrieved by the decision of the Committee may, within a period of one month from the date on which such decision is communicated to him, on payment of a fee of five rupees, appeal to the appellate authority constituted by the State Government in this behalf. The appellate authority shall consist of a Chairman who has for at least seven years held judicial office not lower in rank than that of District Judge, one member elected by the Council, and one officer not lower in rank than that of ²[Deputy Director of Health Services or of Medical Education and Research]. The decision of the appellate authority shall be final.

(5) The provisions of sub-section (2), excluding the portion relating to division of the Register into parts, and of sub-sections (7) and (8) of section 17, shall mutatis mutandis apply to the List prepared under this section.

¹ These words, figures and letters were substituted for the words "within a period of two years from the appointed day" by Mah. 17 of 1969, s. 2.

² These words were substituted for the words "Deputy Director of Medical Services or of Public Health" by Mah. 3 of 1973, s. 3. Sch.

Persons not entitled to registration or enlistment. 20. Notwithstanding anything contained in sections 17, 18 and 19, no person, whose name has been removed from any register or list kept under any of the Acts repealed by this Act or any other law for the time being in force in India or any part thereof regulating registration of nurses on the ground of professional misconduct, shall be entitled to have his name entered in the Register or the List kept under this Act, unless his name is duly restored to the Register or the List, as the case may be, from which it was so removed :

Provided that, where the name of any person was so removed from any Register or list kept under any of the repealed Acts, on an Application by such person, his name may be entered in the Register or List under this Act, if the applicant is otherwise qualified to be registered or enlisted and sufficient cause is shown to the satisfaction of the Council to condone the misconduct.

Maintenance of Register and List. 21. (1) It shall be the duty of the Registrar to make entries in the Register from time to time, to revise the same and to issue certificates of registration in accordance with the provisions of this Act, and the rules made thereunder, and the orders of the Council.

(2) The names of registered nurses who die or whose names are directed to be removed from the Register under section 23 shall be removed therefrom.

(3) Any person whose name is entered in the Register and who subsequent to his registration desires to record in the Register any change in his name, shall, on application made in this behalf and on payment of the prescribed fee, be entitled to have such change in his name recorded in the Register.

(4) Subject to the provisions of section 11 of the Indian Nursing Council Act, 1947, any person whose name is entered in the Register and who subsequent to his registration obtains any recognised higher qualification, shall, on an application made in this behalf, and on payment of the prescribed fee, be entitled to have an entry stating such qualification made against his name in the Register. XLV-III of 1947.

(5) Where it is shown to the satisfaction of the Registrar that a certificate of registration has been defaced, lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate.

(6) The provisions of sub-sections (1) to (5) shall mutatis mutandis apply to the maintenance of the List prepared under this Act.

Publication of Register and List. 22. (1) At such time after the publication of the notice under sub-section (7) of section 17 as the Council deems fit, and thereafter every five years, the Registrar shall cause to be printed and published a correct nurses' list of all persons for the time being entered in the Register.

(2) The Registrar shall cause to be printed and published annually on or before a date to be decided by the Executive Committee, an addendum and a corrigendum to the list published under sub-section (1), showing—

(a) the names of all nurses for the time being entered or re-entered in the Register and not included in any subsisting list already printed and published ; and

(b) the names of all nurses included in any subsisting list, whose names have since been removed on account of any reason whatsoever from, and not re-entered in, the Register, and

(e) any other amendments to the subsisting list.

(3) The form of the list published under sub-section (1), the particulars to be included therein, and the manner of its publication, shall be such as may be prescribed.

(4) A copy of the list referred to in sub-section (1) shall be evidence in all Courts, and in all judicial or quasi-judicial proceedings, that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be evidence, until the contrary is proved, that such person is not registered according to provisions of this Act :

Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand to the Registrar of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

(5) The provisions of sub-sections (1) to (4) shall mutatis mutandis apply to the publication of the List prepared under this Act.

23. (1) If a registered nurse has been, after due inquiry held by the Council (or by the Executive Committee) in the prescribed manner, found guilty of any misconduct by the Council, the Council may--

(a) issue a letter of warning to such nurse, or

(b) direct the name of such nurse--

(i) to be removed from the Register for such period as may be specified in the direction, or

(ii) to be removed from the Register permanently ;

Explanation.--For the purposes of this section "misconduct" shall mean--

(i) the conviction of a registered nurse by a criminal court for an offence which involves moral turpitude, and which is cognizable within the meaning of the Code of Criminal Procedure,* 1898 ; or

(ii) any conduct which, in the opinion of the Council, is infamous in relation to the nursing profession, and particularly under any Code of Ethics prescribed by the Council in this behalf.

(2) The Council may, on sufficient cause being shown, direct at any subsequent date that the name of a nurse removed under sub-section (1) shall be re-entered in the Register on such conditions, and on payment of such fee, as may be prescribed.

(3) Any person aggrieved by any order of the Council made under this section may, within three months from the date on which the order is communicated to him, appeal against such order to the State Government. The order of the State Government on any such appeal shall be final.

(4) The provisions of sub-sections (1) to (3) shall mutatis mutandis apply to the nurses included in the List maintained under this Act.

24. (1) Within a period of three months from the date of publication of the notice under sub-section (7) of section 17, and thereafter at the expiration of every five years from that date within a period of three months from such expiration, every registered nurse shall be liable to apply to the Registrar and to pay to the Council a renewal fee of such amount as may be prescribed, for the continuance of her name on the Register.

(2) (a) If the renewal fee is paid on or before the due date, the Registrar shall issue to the registered nurse a renewal slip in the prescribed form specifying the date up to which the validity of the certificate of registration has been extended.

Removal of names from the Register and List.

Removal of registration and enlistment.

* See, now, the Code of Criminal Procedure, 1973 (II of 1974).

(b) If the renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulting nurse from the Register. On such removal, the certificate of registration issued to the nurse shall be deemed to have been cancelled :

Provided that, the name so removed may be re-entered in the Register on payment of the outstanding renewal fee, and such additional fee as may be prescribed in this behalf. On receipt of such fees, the Registrar shall issue a renewal slip as provided in clause (a).

(3) The provisions of sub-sections (1) and (2) shall, mutatis mutandis, apply to the nurses included in the List maintained under this Act.

CHAPTER IV.

RECOGNITION OF TRAINING INSTITUTIONS AND AFFILIATION OF INSTITUTIONS.

Recognition
of training
institutions.

25. (1) The Council shall by its by-laws prescribe examinations to be held by it, the qualifications for admission to such examinations, the courses of studies for such examinations, the standard of passing, the certificates or any other like awards to be given to persons who pass the examinations, and such other matters in respect of such examinations as may be necessary or expedient.

(2) The Council may, in accordance with the by-laws made by it in this behalf and after inspection by its representative and holding such inquiry as it deems fit, recognise any institution for training nurses for the examinations of the Council.

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

(4) Any person aggrieved by any order of the Council under this section may, within three months from the date on which such order is communicated to him, appeal against such order to the State Government. The order of the State Government on any such appeal shall be final.

(5) No school, hospital or other institution which is not recognised under this section shall issue to any person a certificate or enter the name of any person in any document purporting to show that such person is qualified by reason of his having passed any examination or undergone any course of training to practise as a nurse, unless his name is registered or entered in the List under this Act.

(6) Any person who contravenes the provisions of sub-section (5) shall, on conviction, be punished with fine which may extend to three hundred rupees.

Affiliation of
institutions.

26. The Council may, in accordance with the by-laws made by it in this behalf and after inspection by its representative and holding such inquiry as it deems fit, affiliate to it any institution for the nursing of the sick, maternity or child welfare.

CHAPTER V.

NURSES ESTABLISHMENTS.

Regulation
of nurses
establish-
ments.

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

(2) Any person who desires to carry on any nurses establishment shall apply to the licensing authority for a licence before such date and in such manner and in such form

as may be prescribed. He shall along with the application pay to the licensing authority the prescribed fee, half of which shall be refunded to him if the licence is not granted.

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

(4) The licensing authority may, after giving an opportunity to the person concerned of being heard, refuse to grant any licence or revoke any licence already granted, if--

(a) the applicant or the holder of the licence is under twenty-one years, or is in its opinion not a suitable person to hold such licence ; or

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

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

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

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

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

(8) The Council may also exercise the powers of entry and inspection conferred by sub-section (7) through any of its officers authorised by it in this behalf. If the Council is of opinion that in any case the licence should be refused or revoked, it shall report the matter to the licensing authority. The licensing authority, if it agrees with the Council, refuse or revoke the licence, and if it does not agree with the Council, report the matter to the State Government. On receipt of such report, the State Government may, after making such inquiry as it deems fit, pass orders refusing or revoking the licence. The orders of the State Government in the matter shall be final.

(9) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees for the first offence and for any subsequent offence with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

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

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

CHAPTER VI.

NURSES ENTITLED TO PRACTISE, AND CONTROL OF LICENSING AUTHORITIES.

Persons not registered or on the List not to practise as nurse. 28. (1) No person other than a person registered under this Act or a person whose name is entered in the List shall practise or hold himself out, whether directly or by implication, as practising habitually or for personal gain, as a nurse.

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

Conditions on practice in certain areas. 29. (1) Notwithstanding anything contained in section 28, a person whose name has been entered in the List shall not practise as a nurse in an area within the limits of a municipal corporation or a municipal council or an area notified under sub-section (2) unless he—

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

(b) has been in regular practice as a nurse for a continuous period of two years prior to the date on which this section has come into force in such area and produces a certificate from an institution signed by the Matron, Medical Superintendent or other responsible officer of such institution that such person has received the training as a nurse in the prescribed manner.

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

Licensing authority to exercise general supervision. 30. (1) Subject to the provisions of the Act and the rules made by the State Government and bye-laws made in this behalf by the Council, every licensing authority shall exercise supervision and control over all nurses practising within the area under its jurisdiction.

(2) The licensing authority may authorise any of its officers to perform any of the duties and to exercise any of its powers conferred on it by this section and section 31.

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

Notice to licensing authority before commencement of practice.

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

(3) Any person who fails to comply with the provisions of sub-section (1) or (2), shall, on conviction, be punished with fine which may extend to twenty five rupees for the first offence, to fifty rupees for the second offence and to one hundred rupees for any subsequent offence.

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

CHAPTER VII.

MISCELLANEOUS.

32. Any person aggrieved by any decision of the Registrar made under this Act may, within a period of one month from the date on which the decision is communicated to him, appeal to the Council, which shall hear and determine the appeal in the prescribed manner.

Appeals against decisions of Registrar.

33. Any person who—

(a) dishonestly makes use of any certificate of registration or enlistment issued under the provisions of this Act to him or to any other person,

Penalty for dishonest use of certificate.

(b) procures or attempts to procure registration or enlistment under the provisions of this Act by making or producing, or causing to be made or produced, any false or fraudulent declaration, certificate or representation, whether in writing or otherwise, or

(c) wilfully makes or causes to be made any false representation in any matter relating to the Register or the List maintained or any certificate issued under the provisions of this Act,

shall, on conviction, be punished,—

(i) for the first offence, with fine which may extend to two hundred and fifty rupees ;

(ii) for any subsequent offence, with simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for unlawful assumption of title of registered or enlisted nurse.

34. Any person who, not being a registered or enlisted nurse, takes or uses the name or title of registered or enlisted nurse, or uses any name, title, description, prescribed uniform, object or sign-board with the intention that it may be believed, or with knowledge that it is likely to be believed that such person is registered or, as the case may be, an enlisted nurse, shall, on conviction, be punished—

(a) for the first offence, with fine which may extend to one hundred rupees ;

(b) for any subsequent offences, with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Offences by companies.

35. (1) If the person committing an offence under section 25 or 27 is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business by the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under section 25 or 27 has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

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

(b) "director" in relation to a firm means a partner in the firm.

Court competent to try offences under this Act.

36. No Court other than a Presidency Magistrate or a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

Indemnity to persons acting under the Act.

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

Rules.

38. (1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) under section 3, the preparation and publication of electoral rolls for elections under paragraphs (ii), (iii), (iv) and (vii) of clause (b) of sub-section (3) of section 3 and the time, place and manner of holding elections of the members, President and Vice-President ;

(b) under section 8, the manner of convening holding and conducting meetings of the Council ;

- (c) under section 10, the other powers, duties and functions of the Council ;
- (d) under section 11, the number of members of the Executive Committee, their term of office, manner of filling casual vacancies, procedure to be followed and other powers, duties and functions of that Committee ;
- (e) under section 12, the qualifications which the Chairman of the Examination Board shall have, the term of office of members of the Board and manner of filling casual vacancies, procedure to be followed and other duties and functions of the Board ;
- (f) under section 13, the fees and allowances to be paid to the President, Vice-President, members and other persons ;
- (g) under section 15, the salary, allowances and other conditions of service of the Registrar, and the manner of keeping accounts and supervisory powers and other duties and functions of the Registrar ;
- (h) under section 16, the method of recruitment and other conditions of service of the staff of the Council ;
- (i) under section 17, the form of Register, sections into which it shall be divided and particulars it shall include, courses of training and examinations entitling a person to registration, forms of application and of general and individual notices, manner of paying fee of two rupees and form of registration certificate ;
- (j) under section 18, the form of application for temporary registration and of certificate of such registration ;
- (k) under section 19, the form of List, sections (if any) into which it shall be divided and other particulars it shall include, forms of application and of general and individual notices, manner of paying fee of two rupees and form of certificate of enlistment ;
- (l) under section 21, the fee for recording change of name or recognised higher qualification in the Register or List or for issue of duplicate certificates of registration or enlistment ;
- (m) under section 22, the form of List of registered and enlisted nurses, particulars to be included and manner of publication ;
- (n) under section 23, the manner of holding inquiries and conditions and fee payable for re-entering the name in the Register and List ;
- (o) under section 24, the renewal fee for continuance of names on the Register or List, form of renewal slip and additional fee to be paid for failure to pay renewal, fee in time ;
- (p) under section 27, the form of application for licence for nurses establishment, date before which, manner in which and fee with which such application may be made ;
- (q) under section 32, the manner of hearing and determining appeals to the Council ;
- (r) any reasonable fees which may be levied by the Council in addition to those expressly provided for in this Act ;
- (s) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature 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, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date of publication of a notification in the Official Gazette of such decision, 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 perviously done or omitted to be done under that rule.

By-laws. 39. (1) The Council may, with the previous sanction of the State Government, make by-laws, not inconsistent with the provisions of this Act or the rules made thereunder, for the following matters, namely :—

- (a) the examinations to be held by it ;
- (b) the qualifications for admission to and the courses of studies for the examinations ;
- (c) the standard of passing ;
- (d) the certificate, diploma or other like awards to be conferred upon those who pass the examinations, and manner of conferring such awards ;
- (e) the conditions of appointment of examiners, paper-setters, moderators and other persons appointed and remuneration to be paid to them for the conduct of examinations and the fees to be charged in connection with the examinations ;
- (f) the conditions for affiliation of institutions ;
- (g) the conditions for recognition of institutions ;
- (h) the number of students to be admitted to recognised institutions ;
- (i) the language in which instructions shall be given in recognised institutions ;
- (j) such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the Council under this Act.

(2) The State Government on receiving the draft by-laws may sanction or refuse to sanction the same, or sanction subject to such modifications as it may think fit, or return them to the Council for further consideration.

(3) All by-laws, when sanctioned, shall be published in the Official Gazette by the State Government.

(4) The State Government may, by notification in the Official Gazette, cancel any by-law.

Control of State Government. 40. (1) If at any time it appears to the State Government that the Council or its President or Vice-President has failed to exercise, or has exceeded or abused any of the powers conferred upon it or him by or under this Act, or has ceased to function, or has become incapable of functioning, the State Government may, if it considers such failure, excess, abuse or incapacity to be of a serious character, notify the particulars thereof to the Council or the President or the Vice-President, as the case may be. If the Council or the President or the Vice-President fails to remedy such failure, excess, abuse or incapacity within such reasonable time as the State Government may fix in this behalf, the State Government may remove the President or the Vice-President or dissolve the Council, as the case may be, and in case of dissolution of the Council cause all or any of the powers, duties and functions of the Council to be exercised, performed and discharged by such persons and for such period not exceeding two years, as it may think fit, and shall take steps to constitute, a new Council.

(2) Notwithstanding anything contained in this Act, or in the rules made thereunder, if at any time it appears to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the duties or functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers, duties or functions to be exercised or performed by such persons, in such manner and for such period not exceeding six months and subject to such conditions, as it may think fit.

CHAPTER VIII.

REPEAL AND TRANSITIONAL PROVISIONS.

41. (1) Subject to the provisions of this Chapter, on the appointed day,—

- Bom. XIV 1954. (a) the Bombay Nurses, Midwives and Health Visitors Act, 1954, in its application to the Bombay area of the State ;
- C. P. and Berar XXIII of 1936. (b) the Central Provinces and Berar Nurses Registration Act, 1936, in its application to the Vidarbha region of the State ;
- Hyd. XIX of 1951. (c) the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951, in its application to the Hyderabad area of the State ,

Repeal and saving.

shall stand repealed.

(2) Notwithstanding the repeal of the laws by sub-section (1), but until the first rules and by-laws are duly made under this Act, all rules made by the State Government and all by-laws made by the Council under the Bombay Nurses, Midwives and Health Visitors Act, 1954, and in force in the Bombay area of the State immediately before the appointed day, which are not inconsistent with the provisions of this Act, shall as from that day be in force throughout the State as rules made by the State Government, or as the case may be, by-laws made by the Council, under this Act, as if the power to make such rules and by-laws were given by this Act.

(3) The registers duly kept or maintained or deemed to be kept and maintained under the laws so repealed (excluding that part of the register duly maintained under section 10 of the Central Provinces and Berar Nurses Registration Act, 1936, in its application to the Vidarbha region of the State, which relates to the dais, and excluding Part II of the register duly maintained under section II of the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951, in its application to the Hyderabad area of the State) which are in force immediately before the appointed day, shall be deemed to be the Registers prepared under this Act, until the Register prepared under section 17 comes into force under sub-section (7) thereof.

(4) That part of the register duly maintained under section 10 of the Central Provinces and Berar Nurses Registration Act, 1936, in its application to the Vidarbha region of the State, which relates to the dais, and Part II of the register duly maintained under section 11 of the Hyderabad Nurses, Midwives and Health Visitors Registration Act, 1951, in its application to the Hyderabad area of the State, which are in force immediately before the appointed day, shall be deemed to be the Lists prepared under this Act, until the List prepared under section 19 comes into force under sub-section (5) thereof.

(5) Any institution which was approved or recognised or affiliated, or deemed to be approved, recognised or affiliated under the Bombay Nurses, Midwives and Health Visitors Act, 1954, or the Central Provinces and Berar Nurses Registration Act, 1936, and the approval, recognition or affiliation of which was in force immediately before the appointed day, shall on the same terms and conditions, continue thereafter to be recognised by or affiliated to the Council under this Act, until the recognition or affiliation, as the case may be, is duly withdrawn.

Bom.
XIV
1954.
C.P.
and
Berar
XXIII
of
1936.

(6) Anything done or any action taken (including any appointment or application made, notification, order or direction issued or fee levied or certificate or notice given) under any of the laws so repealed shall, in so far as it is not inconsistent with the provisions of this Act, and unless the State Government otherwise directs, be deemed to have been made, issued, levied or given under the relevant provisions of this Act, and be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

Dissolution
of Councils
under the
repealed
laws and
constitution
of new
Council.

42. (1) With effect from the appointed day,—

(a) the Council constituted under the Bombay Nurses, Midwives and Health Visitors Act, 1954, as in force in the Bombay area of the State,

Bom.
XIV
of
1954.

(b) the Council constituted under the Central Provinces and Berar Nurses Registration Act, 1936, as in force in the Vidarbha region of the State, and

C.P.
and
Berar
XXIII
of 1936.
Hyd.
XIX
of
1951.

(c) the Council deemed to be constituted under the Hyderabad Nurses, Midwives and Health Visiton Registration Act, 1951, as in force in the Hyderabad area of the State, shall stand dissolved and the members shall vacate office.

(2) Notwithstanding anything contained in section 3, the State Government shall, on the appointed day, by notification in the Official Gazette, constitute a Council in the manner specified in sub-section (3) of section 3 :

Provided that, the members to be elected under clause (b) of that sub-section shall also be nominated by the State Government from among the persons qualified to be elected under the relevant clause of that sub-section.

(3) The President and the Vice-President of the Council constituted under sub-section (2) shall, notwithstanding anything contained in sub-section (4) of section 3, be nominated by the State Government.

(4) The Council constituted under this section shall be deemed to be a Council constituted under section 3, and the President, the Vice-President and the members of the Council shall, notwithstanding anything contained in section 4, hold office for a period of three years from the date of publication of the notification under sub-section (2) or till a Council is duly constituted in accordance with the provisions of section 3, whichever is earlier :

Provided that, the period of three years may be extended by the State Government by a further period not exceeding one year at a time, and two years in the aggregate.

(5) If a vacancy previous to the expiry of the term occurs in the office of the President, the Vice-President or a member of the Council constituted under sub-section (2) by reason of death, resignation, removal, disqualification or disability of such President, Vice-President or member or due to any other reason, the vacancy shall be filled by the State Government by nomination of any other qualified person, and the person so nominated shall hold office for the unexpired portion of the term of the member in whose place he is nominated.

Bom. XIV 1954. 43. (1) The Registrar appointed under the Bombay Nurses, Midwives and Health Provision regarding Registrars Visitors Act, 1954, and holding office immediately before the appointed day shall, as from that date, be deemed to be appointed as the Registrar under this Act, on the same terms and conditions as were applicable to him immediately before that day, until they are varied by a competent authority under this Act.

C.P. and Berar XXIII of 1936. (2) The Registrar appointed under the Central Provinces and Berar Nurses Registration Act, 1936, and holding office immediately before the appointed day, shall cease to hold office on that day.

(3) The Registrar who ceases to hold office under sub-section (2) shall be entitled to receive from the Council such provident fund and gratuity or other retirement benefits as he would have been entitled to receive, if he had retired from the service of the dissolved Council and such additional benefits (if any) as the Council may, with the previous approval of the State Government, sanction.

44. Save as otherwise provided by or under this Act and unless there is anything repugnant in the subject or the context— Vesting of rights, duties, etc.

(1) all rights of the Councils dissolved under section 42 (hereinafter in this section referred to as "the dissolved Councils") shall, on the appointed day, vest in the Council constituted under section 42 (hereinafter in this section referred to as "the Council"),

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

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

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

(5) all proceedings and matters pending before any authority or officer immediately before the appointed day under any of the laws repealed under section 41 shall be deemed to be transferred to and continued before the corresponding authority under this Act competent to entertain such proceedings and matters,

(6) all prosecutions instituted by or on behalf of or against a dissolved Council and all suits and other legal proceedings instituted by or on behalf of or against any dissolved Council or any officer of such Council on behalf of the dissolved Council, pending on the appointed day, shall be continued by or against the Council.

(7) all officers and servants (other than the Registrars) of the Councils dissolved under sub-section (1) of section 42 holding office immediately before the appointed day, shall be deemed to be the officers and servants appointed to serve the Council and shall, until provision is otherwise made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service or retirement benefits to which they were entitled to or subject to on the day immediately preceding the appointed day :

Provided that, the service rendered by such officers and servants before the appointed day shall be deemed to be service rendered under the Council :

Provided further that, nothing in this clause shall be deemed to prevent the Council, after the appointed day, from passing in relation to any such officer or servant any order terminating his service on payment of such reasonable amount by way of compensation as it may, with the previous approval of the State Government, determine.

(8) any reference in any law or in any instrument to any dissolved Council shall be construed as a reference to the Council, and such law or instrument shall apply to the Council.

Power to
remove
difficulties.

45. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, but not later than two years from the appointed day, by order, do anything which is not inconsistent with the purposes of this Act which appears to it necessary or expedient for the purpose of removing the difficulty.

SCHEDULE
(See clause (p) section 2)

| Name of the Region 1 | Areas comprised in the Region 2 |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I. Greater Bombay Region .. | Greater Bombay. |
| II. Bombay Region .. | (i) Dhulia District. (ii) Jalgaon District. (iii) Kolaba District. (iv) Nashik District. (v) Ratnagiri District. (vi) Thane District. |
| III. Poona Region .. | (i) Ahmadnagar District. (ii) Kolhapur District. (iii) Poona District. (iv) Sangli District. (v) Satara District. (vi) Sholapur District. |
| IV. Nagpur Region .. | (i) Akola District. (ii) Amravati District. (iii) Bhandara District. (iv) Buldana District. (v) Chanda District. (vi) Nagpur District. (vii) Rajura District. (viii) Wardha District. (ix) Yavatmal District. |
| V. Aurangabad Region .. | (i) Aurangabad District. (ii) Beed District. (iii) Nanded District. (iv) Osmanabad District. (v) Parbhani District. |

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