

Telangana Nurses, Midwives, Auxiliary Nurse-Midwives and Health Visitors Act, 1926

TELENGANA

India

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Act 3 of 1926

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Telangana Nurses, Midwives, Auxiliary Nurse-Midwives and Health Visitors Act, 1926(Act No. 3 of 1926)Last Updated 13th January, 2020The Andhra Pradesh Nurses, Midwives, Auxiliary Nurse-Midwives and Health Visitors Act, 1926 in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Notification issued in G.O.Ms.No.80, Health, Medical and Family Welfare (F1) Department, dated 26.09.2015.

1. Short title Extent Commencement.

- [(1) This Act may be called the [Telangana] [Substituted by Act No.5 of 1964.] Nurses, Midwives, Auxiliary Nurse-midwives and Health Visitors Act, 1926.](2)It shall extend to the whole of the State of [Telangana] [Substituted for the words 'Andhra Pradesh' in G.O.Ms.No.80, Health, Medical and Family Welfare (F1) Department, dated 26.09.2015.].(3)It shall come into force on such date as the [State Government] [The word 'State' substituted for 'Provincial' by the Adaptation Order, 1950.] may, by notification, appoint.

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context,-(a)"Council" means the [[Telangana] [Substituted by Act No.5 of 1964] Nurses, Midwives, Auxiliary Nurse-midwives and Health Visitors Council] established under this Act;(b)[XXX] [Omitted by Act No.5 of 1964.](c)'Nurse' includes a male nurse;(d)'Prescribed' means 'prescribed by rules or bye-laws made under this Act';(e)'Register' means 'a register' maintained under section 5 [XXX] [Omitted by Act No. 5 of 1964.] and 'registered' means registered in accordance with the provisions of [that section.] [Substituted by Act No. 5 of 1964.]

3. [Constitution of the Council and the term of members. [Section 3 substituted by Act No.5 of 1964 and subsequently substituted by G.O.Ms.No.80, HM&FW, dept., dt.26.09.2015.]

(1)A Council called the Telangana Nurses, Midwives, Auxiliary Nursing-midwives and Health Visitors Council shall be constituted for the State of Telangana consisting of:-(i)The following seven Ex-Officio members, namely:-(a)the Director of Medical Education, Telangana, Hyderabad;(b)the Director of Health and Family Welfare, Telangana or his representative;(c)the Deputy Director of Nursing of Director of Medical Education, Telangana, Hyderabad;(d)the Nursing Superintendent, Osmania General Hospital, Hyderabad;(e)the Nursing Superintendent, Government General Hospital, Warangal;(f)the Superintendent, Government Maternity Hospital, Hyderabad;(g)the Assistant Director of Public Health (Maternity and Child Welfare);(ii)the following nine elected members, namely,-(a)two registered medical practitioners, one of whom shall be a woman, elected in the prescribed manner by the Telangana Medical Council established under the law relating to the registration of practitioners of modern scientific system of medicine for the time being in force in the State;(b)five registered nurses elected in the prescribed manner by the registered nurses, midwives, auxiliary nurse-midwives and health visitors;(c)one member elected in the prescribed manner by the Trained Nurses Association of India;(d)one member elected by the Examining Board, Nurses Auxiliary of the Christian Medical Association of India (South India Branch);(iii)the following five nominated members, namely:-(a)one registered nurse nominated by State Government;(b)one registered midwife or auxiliary nurse-midwives nominated by State Government;(c)one registered health visitor nominated by State Government;(d)two non-officials nominated by the State Government from among persons who are not of the classes referred to above, one of whom shall be a woman.(2)The Director of Medical Education, Telangana, shall be the President of Council.(3)The members of the Council other than ex-officio members specified in clause (i) of sub-section (1) shall hold office for a term of three years:Provided that an outgoing member shall be eligible for re-election or re-nomination.(4)Any vacancy in the office of an elected or nominated member of the Council shall be filled in accordance with the provisions of sub-section (1):Provided that any member elected or nominated to a casual vacancy shall hold office for the residue of the term of his predecessor in whose place he is elected or nominated.]

3A. [Acts etc, of Council not to be invalidated by informality, vacancy, etc. [Substituted by Act No.5 of 1964.]

- No act or proceeding of the Council shall be deemed to be invalid by reason only of a defect in its constitution or on the ground that any member was not entitled to hold or continue in such office or by reason of such act or proceeding having been done or conducted during the period of any vacancy in the office of any member of the Council.]

4. Effect of failure to attend meetings of the Council.

- A member who fails to attend three consecutive meetings of the Council shall cease to be a member unless restored by the Council at its next meeting.

5. [Registration of nurses, midwives, etc. [Substituted by Act No.5 of 1964.]

(1)The Council shall maintain one register each for,-(i)nurses,(ii)midwives,(iii)auxiliary nurse-midwives, and(iv)health visitors.in such form and containing such particulars as may be prescribed and the names of all nurses, midwives, auxiliary nurse-midwives and health visitors who are for the time being qualified for registration in the State register under the provisions of the Indian Nursing Council Act, 1947 and who fulfill the conditions prescribed shall be entered in the relevant register.(2)Persons who immediately before the date of commencement of the Andhra Pradesh Nurses and Midwives (Extension and Amendment) Act, 1964, were registered nurses, midwives or health visitors, as the case may be under this Act or [the] Andhra Pradesh (Telangana Area) Nurses, Midwives and Health Visitors Registration Act, 1951 and who are qualified for registration under this Act shall be deemed to have been registered as such under the provisions of this section on that date and their names shall be entered in the relevant register maintained under this section.(3)Persons who were registered as auxiliary nurse-midwives in pursuance of G.O.Ms.No.655, dated the 8th March, 1961, of the Health, Housing and Municipal Administration Department shall be deemed to have been registered as such under the provisions of this section as if this section were in force on the date on which the said G.O. was issued and their names shall be entered in the relevant register maintained under this section.(4)The Council shall be responsible for the due performance of the functions imposed on it by the Indian Nursing Council Act, 1947.]

6.

[XXX] [Section 6 omitted by Act No.5 of 1964]

7. Removal and restoration of names.

- Subject to such conditions and in such manner as may be prescribed, the Council may refuse to enter the name of any nurse, midwife [auxiliary nurse-midwife or health visitor] [Substituted by Act No.5 of 1964.] in the register or remove the name of any nurse, midwife [auxiliary nurse-midwife or health visitor] [Substituted by Act No.5 of 1964.] from register or restore thereto the name of any nurse, midwife [auxiliary nurse-midwife or health visitor] [Substituted by Act No.5 of 1964.] so removed.

8. Appeal from Council to Tribunal.

(1)Any nurse, midwife [auxiliary nurse-midwife or health visitor] [Substituted by Act No.5 of 1964.] aggrieved by an order of the Council under section 7 may, within three months from the date on which notice of such order is given, appeal against the order of the Council;(2)Such appeal shall be heard by a Tribunal of three persons selected in rotation,-(a)one from a panel of not less than six persons of not less than twelve years experience as a Magistrate or Civil Judge nominated by the [State] [The word 'State' was substituted for 'Provincial' by the A.O.1950.] Government.(b)one from a panel of not less than six registered medical practitioners selected in the prescribed manner by [the [Telangana] [The word 'State' was substituted for 'Provincial' by the A.O.1950.] Medical Council

established under the law relating to the registration of practitioners of modern scientific system of Medicine for the time being in force in the State]; and(c)one from a panel of not less than six registered nurses holding both general and maternity certificates and selected in the prescribed manner by the registered [nurses, midwives, auxiliary nurse-midwives and health visitors] [Substituted by Act No.5 of 1964.](3)The order of the Tribunal shall be final.

9. Appeal to the State Government against refusal by the Council to approve training institution or person.

- Any person aggrieved by the refusal of the Council to approve any institution or person under any rules relating to training made under this Act may appeal against the refusal to the [State] [The word 'State' was substituted for 'Provincial' by the A.O.1950.] Government and the [State] [The word 'State' was substituted for 'Provincial' by the A.O.1950.] Government may give such directions as they think proper and the Council shall comply with the directions so given.

10. Disabilities of unregistered persons.

(1)Except with the special sanction of the [State] [The word 'State' was substituted for 'Provincial' by the A.O.1950.] Government, no person shall, [XXX] [Omitted by Act No.5 of 1964.] be competent to hold any appointment as [nurse, midwife, auxiliary nurse- midwife or health visitor] [Substituted by Act No.5 of 1964.] in any hospital, dispensary, or infirmary not supported entirely by voluntary contributions unless such person is registered [or deemed to be registered] [Inserted by Act No.5 of 1964.] as [nurse, midwife, auxiliary nurse-midwife, or health visitor] [Substituted by Act No.5 of 1964.] under this Act.(2)[No subsidy shall be paid] [Substituted by Act No.5 of 1964.] by the State Government or by a local authority to any medical practitioner who employs [a person who is not registered under this Act] [Substituted by Act No.5 of 1964.];[Provided that in the case of the territories specified in the section 3 of the Andhra Pradesh Reorganisation Act, 2014, the provision of sub-section (2) shall apply after the expiration of one year from the commencement of the Andhra Pradesh Nurses, Midwives, Auxiliary Nursing-Midwives and Health Visitors Act, 1926 and Rules (Telangana Adaptation Order, 2015).] [Proviso added by Act No.5 of 1964 and further substituted by G.O.Ms.No.80, HM & FW (F1) Department, dated 26.09.2015.]

11. Rules by the State Government.

(1)The [State] [The word 'State' was substituted for 'Provincial' by the Adaptation Order, 1950.] Government may, after previous publication, make rules to carry out all or any of the purposes of this Act not inconsistent therewith.(2)in particular, and without prejudice to the generality of the foregoing power, they may make rules,-(a)regulating the conduct of the elections of members of the Council;(b)regulating the conditions of admission to the register [subject to the provisions of the Indian Nursing Council Act, 1947] [Added by Act No.5 of 1964.];(c)[XXX] [Clause (c) omitted by Act No.5 of 1964.](d)prescribing the causes for which, the conditions under which and the manner in which, the nurses, midwives, [auxiliary nurse-midwives and health visitors] [Substituted by Act No.5 of 1964.] may be removed from the register and the procedure for restoration to the register of

nurses, midwives, [auxiliary nurse-midwives and health visitors] [Substituted by Act No.5 of 1964.] who have been removed therefrom;(e)regulating the selection of the panels and the constitution of the Tribunal specified in sub-section (2) of section 8 and the procedure to be followed by the Tribunal;(f)prescribing the fees to be paid in respect of an appeal under this Act;(g)determining the manner in which all fees levied under this Act and all moneys received by the Council shall be applied for the purposes of this Act.

12. Bye-laws by the Council.

(1)The Council may make bye-laws not inconsistent with this Act or any other law,-(a)for regulating the compilation, maintenance and publication of the Register;(b)for regulating and supervising the practice of their profession by the registered nurses, midwives, [auxiliary nurse-midwives and health visitors] [Substituted by Act No.5 of 1964.];(c)for regulating the publication of the names of registered nurses, midwives, [auxiliary nurse-midwives and health visitors] [Substituted by Act No.5 of 1964.], and their residences;(d)for prescribing the rates of fees to be charged for [XXX] [Omitted by Act No.5 of 1964.] registration;(e)for regulating the summoning of meetings of the Council and its proceedings; and(f)for regulating the expenditure of the Council and providing for the audit thereof.(2)No bye-law made by the Council shall come into force until it has been confirmed by the State Government with or without modification or amendment.(3)Every such bye-law shall, when so confirmed, be published.

13. Penalty for dishonest use of certificate for procuring registration by false means and for falsification of register or certificate.

- Any person who, -(a)dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person,(b)procures or attempts to procure registration under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration, certificate or representation whether in writing or otherwise, or(c)willfully makes or causes to be made any false representation in any matter relating to the Register or the certificates issued under the provisions of this Act;shall be punishable with fine not exceeding two hundred and fifty rupees.

14. Penalty for posing as registered nurse, health visitor, midwife or auxiliary nurse-midwife by a person who is not such.

(1)Any person, who, not being a registered [nurse or health visitor] [Substituted by Act No.5 of 1964.] takes or uses the name or title of registered [nurse or health visitor] [Substituted by Act No.5 of 1964.] or uses any name, title, description, uniform, badge or signboard, with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a registered [nurse or health visitor] [Substituted by Act No.5 of 1964.] shall be punishable with fine not exceeding one hundred rupees.(2)Any person, who, not being a registered midwife [or auxiliary nurse-midwives] [Substituted by Act No.5 of 1964.] takes or uses the name or title of registered midwife [or auxiliary nurse-midwives] [Substituted by Act No.5 of 1964.] or uses any name, title,

description, uniform, badge or signboard, with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a registered midwife [or auxiliary nurse-midwives] [Substituted by Act No.5 of 1964.] shall be punishable with fine not exceeding fifty rupees.

15. Magistrates empowered to try offences under this Act.

- No magistrate other than a magistrate of the first class shall take cognizance of or try any offences under this Act.

16. Power to remove difficulties.

- [If any difficulty arises in giving effect to the provisions of this Act, or of the principal Act in the territories to which the principal Act is extended by this Act, the State Government may, after previous publication, by order in the Telangana Gazette, make such provisions or give such directions not inconsistent with the purposes of this Act or of the principal Act, as appear to them to be necessary or expedient for removing the difficulty.] [Inserted by Act No.5 of 1964.]