

Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Act, 1964

RAJASTHAN

India

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Act 9 of 1964

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Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Act, 1964(Act No. 9 of 1964)[Received the assent of the President on the 28th day of March, 1964]An Act to provide for the registration of nurses, midwives, health visitors and auxiliary nurse-midwives in the State of Rajasthan.Be it enacted by the Rajasthan State Legislature in the Fifteenth Year of the Republic of India, as follows:-

Chapter I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Act, 1964.(2)It extends to the whole of the State of Rajasthan.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"auxiliary nurse-midwife" means a person who holds a certificate in auxiliary nursing midwifery granted by any authority recognised in this behalf by the Council;(b)"Council" means the Rajasthan Nursing Council established under Section 3;(c)"health visitor" means a person who has obtained the health visitor's certificate from any Health School, institution or examining body recognised in this behalf by the Council;(d)"midwife" means a person who holds a certificate in midwifery granted by any authority recognised in this behalf by the Council;(e)"nurse" means a person who holds a certificate in nursing granted by any

authority recognised in this behalf by the Council;(f)"prescribed" means prescribed by this Act or by rules or regulations made thereunder;(g)"register" means any of the registers maintained under Section 12;(h)"registered" means registered in accordance with the provisions of this Act and the rules and regulations made thereunder.

Chapter II

The Rajasthan Nursing Council

3. Establishment and incorporation of Council.

- The State Government shall, by notification in the Official Gazette, establish a Council to be known as the Rajasthan Nursing Council for the purpose of carrying out the provisions of this Act and such Council shall be a body corporate, shall have perpetual succession and a common seal and may by the said name sue and be sued.

4. Constitution of the Council.

(1)The Council shall consist of the following members, namely: -(a)ex-officio members:(i)the Director of Medical and Health Services, Rajasthan State;(ii)[the Additional Director of Medical and Health Services, Rajasthan Jaipur;] [Substituted by Rajasthan 3 of 1986 (3-9-1985)](iii)the Medical Superintendent, Sawai Mansingh Hospital, Jaipur;(iv)[the State Family Welfare Officer, Rajasthan, Jaipur;] [Substituted by Rajasthan 3 of 1986 (3-9-1985)](v)the Chief Nursing Superintendent of the State Nursing Services, Rajasthan State;(vi)the Matron or the Nursing Superintendent, whoever is incharge of the Nurses Training, Mahatma Gandhi Hospital, Jodhpur;(vii)the Matron or the Nursing Superintendent, whoever is incharge of the Nursing Training at Sawai Mansingh Hospital, Jaipur; ,(viii)the Matron or the Nursing Superintendent, whoever is incharge of Nurses Training, P.B. M. Women's Hospital, Bikaner, and(ix)the Matron or the Nursing Superintendent, whoever is incharge of Nurses Training General Hospital, Udaipur.(b)Members nominated by the State Government:(i)one Sister Tutor;(ii)one Public Health Nurse;(iii)one person representing the Railway Hospitals in the State of Rajasthan;(iv)one members of the Trained Nurses Association of India, who must be resident in the State of Rajasthan;(v)[the Nursing Superintendent of Santokha Durlabhji Memorial Hospital, Jaipur; and] [Substituted by Rajasthan 3 of 1986 (3-9-1985)](vi)one person representing the Medical institution controlled by the Ajmer Diocesan Corporation Limited.(2)The Council shall co-opt in the prescribed manner two persons, possessing the prescribed qualifications considered to be specially suited to advise the Council in relation to the business coming up before it:Provided that, if the Council fails so to co-opt persons as its members within three months from the date of its first meeting, State Government shall nominate such persons as members of the Council.

5. Publication of names of members.

- The names of all the members of the Council shall be published in the Official Gazette.

6. Term of office of members.

(1)An ex-officio member of the Council shall continue as such so long as he holds the office by virtue of which he is a member of the Council.(2)The term of office of a member of the Council, other than ex-officio member, shall be three years from the date of his nomination or co-option, as the case may be, but he shall be eligible for re-nomination or re-co-option as such member:(3)A member of the Council may be declared by the State Government, by notification in the Official Gazette, to have ceased to be such member-(a)if he submits his resignation in writing to the President of the Council, or(b)if he dies, or(c)if he has been absent out of India for more than one year continuously, or(d)if he is absent from three consecutive meetings of the Council without reasonable excuse; or(e)if he refuses to act or becomes incapable of acting or has been declared by a competent court to be an insolvent or to be of unsound mind or has been convicted of any such offence, or subjected by a competent court to any such order, as implies a defect of character:Provided that no such declaration shall be made in respect of any of the matters mentioned in clauses (d) and (e), unless the person concerned has been afforded an ample opportunity of showing cause against the same and the cause, if shown is not found to be satisfactory.(4)No person shall be nominated or co-opted as a member of the Council if, at the time of such nomination or co-option, he is absent out of India or is under any of the disqualifications mentioned in clause (e) of sub-section (3).(5)The State Government may at any time, by notification in the Official Gazette, remove any member from his office, after affording him a reasonable opportunity of explanation, for any reason which the State Government may deem to be affecting the public interest adversely, and the member so removed shall not be eligible for being nominated or co-opted for a period of three years from the date of his removal.

7. Filling of vacancies.

- On the occurrence of any vacancy by virtue of any of the provisions contained in Section 6, a report of such vacancy shall be forthwith made to the State Government which shall fill up the same, as soon as may be, in accordance with the provisions of Section 4.

8. Officers of Council.

(1)The Director of Medical and Health Services, Rajasthan, shall ex-officio be the President of the Council.(2)There shall also be a Vice-President who shall be elected by the Council from amongst its members in the prescribed manner and shall hold-office so long as he continues to be the member of the Council or for a period of three years, whichever is earlier.(3)The Vice-President may resign his office by notice in writing to the President, and on his resignation being accepted by the Council, shall vacate the office of the Vice-President.(4)When the office of the Vice-President becomes vacant through death, resignation or otherwise, another member of the Council shall be elected to the office in the prescribed manner.

9. Registrar and staff.

(1)The Council shall appoint a Registrar and may appoint other officers and servants as it may consider necessary on such salary and other conditions of service as it may determine and every person so appointed shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).(2)The Registrar shall act as Secretary to the Council and shall perform such other duties as are assigned to him by this -Act or the rules or regulations made thereunder or as may be specially assigned to him by an order of the Council.

10. Business regulations.

(1)The Council may make regulations consistent with this Act and with the rules made thereunder for all or any of the following matters, namely: -(a)the time and place of its meetings;(b)the issue of notices of such meetings to the members;(c)the conduct of business at such meetings;(d)the quorum necessary for the transaction of business;(e)the appointment of sub-committees to deal with any part of business before the Council;(f)the custody of the common seal and the purposes for which it shall be used, and(g)any other matter pertaining to the transaction of its business.(2)No regulation made under sub-section (1) shall take effect unless it has been confirmed by the State Government and published in the Official Gazette.

11. Vacancy not to affect proceedings and Acts.

- If a vacancy occurs in the office of a member of the council, the continuing members thereof shall act as if an vacancy has occurred and no act or proceedings of the Council shall be deemed to be invalid merely by reason of such vacancy or of any defect or irregularity, not affecting the substance, in the nomination or co-option of a person as a member of the Council.

Chapter III

Registration

12. Orders for maintenance of registers.

(1)The Council shall, as soon as conveniently may be, after the commencement of this Act and from time to time as occasion may require, make orders for regulating the maintenance of-(a)a register of registered nurses,(b)a register of midwives,(c)a register of registered health visitors, and(d)a register of auxiliary nurse-midwives,arranged in several parts in which the persons to be registered shall be classified in keeping with their qualifications.(2)Each of the said registers shall be kept in the form prescribed by the Council.

13. Persons entitled to be registered.

- The following persons shall be entitled to be registered under this Act, namely:-(i)nurses, midwives, health visitors and auxiliary nurse- midwives who have undergone the course of training prescribed by the Council and have passed the prescribed examinations held by the Council and fulfill such further conditions as may be prescribed;(ii)nurses, midwives, health visitors and auxiliary nurse- midwives holding corresponding certificates issued by authorities in other States in India and foreign Council if such certificates are recognised by the Indian Nursing Council;(iii)nurses, midwives, health visitors and auxiliary nurse- midwives who are already in practice at the commencement of this Act and fulfill such conditions as may be prescribed.

14. Applications for registration.

- An application for registration by any of the persons mentioned in Section 13 shall be made to the Registrar in the prescribed form and shall be accompanied with the prescribed fees.

15. Disposal of applications by Registrar.

- If the Registrar is satisfied, after holding in the prescribed manner such inquiry as he considers necessary that the applicant for registration is entitled to be registered under Section 13, he shall enter his name in the appropriate register:Provided that any application for registration made by a person whose case is not clearly governed by the provisions of this Act or of the rules, regulations or orders made thereunder may be referred for the decision of the Council.(2)If the Registrar is not satisfied as aforesaid, he shall make an order rejecting the application for registration and refund the fee paid with it.

16. Maintenance of registers.

(1)The Registrar shall keep and maintain the registers in accordance with the provisions of this Act and the rules and regulations made thereunder and of any orders made by the Council under Section 12, shall make necessary alterations in the registered addresses and appointments, in the registered qualifications and in the classification of registered nurses, midwives, health visitors and auxiliary nurse-midwives, and may erase therefrom the name of any such nurse, midwife, health visitor or auxiliary nurse-midwife.(2)To enable the Registrar to fulfil the duties imposed upon him by sub-section (1), he may send through the post a registered letter to any person registered as nurse or as a health visitor or as an auxiliary nurse-midwife, addressed to him according to his registered address or appointment, to inquire whether he has ceased to practice or whether his residence or appointment has been changed; and if no answer to any such letter is received within a period of six months from its despatch, the Registrar may erase the name of such person from the register in which it is entered:Provided that any name erased under this sub-section may be reentered in the register under the direction of the Council.

17. Erasure on notice of death.

(1) Every Registrar of Deaths, who received notice of the death of any person whose name he knows to be entered in one of the registers, shall forthwith transmit by post to the Registrar of the Council a certificate of such death signed by him and stating the particulars of the time and place of death. (2) On receipt of—(a) any such certificate, or (b) any other reliable information regarding such death, the Registrar of the Council shall erase the name of the deceased person from the register in which it is entered.

18. Erasure of fraudulent and incorrect entries.

- Any entry in the registers, which is proved to the satisfaction of the Registrar to have been fraudulently or incorrectly made, may be erased therefrom by an order in writing recorded by the Registrar.

19. Prohibition of registration etc.

(1) The Council may prohibit the registration of any person as a nurse, midwife, health visitor or auxiliary nurse-midwife and, if such person is already so registered, may direct the removal of his name from the register on any of the following grounds, namely:—(a) that he has been convicted of any such offence as implies in the opinion of the Council any defect of character such as would render him unfit for duty; or (b) that he has been found by the Council to be guilty of an offence which, in its opinion, indicates professional incompetence, negligence or contravention of regulations, ordinarily included in the performance of his duty; or (c) that he has been found by the Council to be guilty of professional misconduct or infamous conduct in any professional respect; or (d) that there are defects in his character which, in the opinion of the Council, would render the entry or retention of his name on the register undesirable: Provided that no action shall be taken by the Council under this section until after due inquiry, at which the person concerned has been given a reasonable opportunity to be heard in his defence, the person concerned is found to be disqualified as specified in clause (a) or clause (b) or clause (c) or clause (d). (2) Any name removed from the register under sub-section (1) may afterwards be re-entered in the register and any order of prohibition of registration passed under sub-section (1) may be withdrawn under the direction of the Council given by a majority of two thirds of the members present and voting at the meeting.

20. Entry of new title and qualifications in Register.

(1) If any person whose name is registered under this Act obtains any title or qualification other than the title or qualification in respect of which he has been registered, he shall, on payment of the prescribed fees, be entitled to, and may apply to the Registrar for, an entry respecting such other title or qualification made against his name in the appropriate register either in substitution for or in addition to the entry previously made. (2) The Registrar may, after making such inquiry as he thinks necessary, either make the entry applied for or reject the application for reasons to be recorded in writing.

21. Appeals from orders and decisions of Registrar.

(1) Any person aggrieved by an order or decision of the Registrar under Section 15 or Section 16 or Section 17 or Section 18 or Section 20 may within thirty days of such order or decision appeal to the Council. (2) Every such appeal shall be heard and disposed of in the prescribed manner.

22. Appeals from orders of Council.

- Any person aggrieved by an order or decision of the Council under the proviso to sub-section (1) of Section 15 or under Section 19 may, within three months from the date of such order or decision, appeal to the State Government.

23. Preparation, publication and use of annual lists of nurses, health visitors and auxiliary nurse-midwives.

(1) The Registrar shall, in every year, on or before a date to be fixed in this behalf by the Council, cause to be prepared, printed and published in the prescribed manner lists in the prescribed form and specifying the prescribed particulars, separately of:-(a) all registered nurses, (b) all registered midwives, (c) all registered health visitors, and (d) all registered auxiliary nurse-midwives. (2) In every proceeding it shall be presumed that any person whose name is entered in the latest of the lists published under sub-section (1) is a registered nurse or a registered midwife, or a registered health visitor or a registered auxiliary nurse-midwife, as the case may be: Provided that, in the case of a person whose name may have been entered in a register after the publication of a list under sub-section (1) and before the publication of a fresh list thereunder, a certified copy of such entry, signed by the Registrar, shall be evidence that such person is registered under this Act.

Chapter IV

Examinations and Recognitions of Institutions etc.

24. Powers of the Council.

- The Council shall have and exercise, by making regulations and otherwise, the following powers, namely:-(1) to lay down the courses of training and to provide such training to nurses, midwives, health visitors and auxiliary nurse-midwives so as to qualify them for registration under this Act; (2) to prescribe the qualifying examinations for such registration; (3) to hold all or any of such examinations; (4) to specify the various titles, degrees, diplomas or certificates which shall qualify the holders thereof for registration under this Act; (5) to recognise educational or instructional institutions, schools, colleges for the purpose of training in basic as well as post certificate/post graduate nursing, midwifery, health visitors and auxiliary nursing-midwifery courses and to appoint examining bodies, for the purpose of holding examinations for registration under this Act; (6) to lay down the conditions on which such recognition may be made; (7) to prohibit the issue to any person by any hospital, school or other similar institution which has not been approved or recognised under

clause (5), of any certificate or document to show that such person is qualified to practise as a nurse, midwife, auxiliary nurse midwife or health visitor unless such person has been registered under this Act; and (8) to adopt such measures and to do such acts as may be necessary for the furtherance of the object of this Act.

25. Powers of the State Government to prohibit un-registered nurses, midwives, health visitors and auxiliary nurse-midwives.

- The State Government may, by notification published in the Official Gazette, prohibit un-registered persons from practicing as nurses, midwives, health visitors and auxiliary nurse-midwives, and any unregistered person practicing in contravention of such notification shall be liable, on conviction by a Magistrate of the First Class, to a fine not exceeding [thirty thousand rupees.] [Substituted 'three hundred rupees' by Rajasthan Act No. 16 of 2013, dated 10.4.2013.]

26. Recognised institutions etc.

- Institutions, schools, hospitals, examining bodies and associations recognised by the Council under clause (5) of Section 24 and the regulations made thereunder shall be competent to train nurses, midwives, health visitors and auxiliary nurse-midwives, to send them for or to hold the qualifying examinations for which they may have been recognised and to issue such certificates as may be specified in the order of their recognition.

27. Withdrawal of recognition.

- The Council shall have powers for reasons to be recorded in writing to withdraw recognition from any institution referred to in Section 26.

28. Appeal to State Government.

- Any person aggrieved by the order of the Council according or refusing to accord recognition to any institution referred to in clause (5) of Section 24 or withdrawing such recognition under Section 27 may, within three months from the date of such order, appeal therefrom to the State Government whose decision thereon shall be final.

29. Power of Council to call for information from institutions etc.

(1) The Council shall have power to call upon the governing body or authority of any recognised institution referred to in clause (5) of Section 24-(a) to furnish reports, returns or other information as the Council may require to enable it to judge of the efficiency of the institution or training given therein; and (b) to provide facilities to enable any member of the Council (deputed by the Council in this behalf) to be present at the examinations to be held by any such institution. (2) The Council shall have power to inspect any such institution and may for the purpose [appoint such number of inspectors whether from among members of the Council or otherwise as it deems necessary.]

[Substituted 'appoint a sub-committee of not less than three or more than five members of the Council to inspect the same and submit a report in regard thereto to the Council' by Rajasthan Act No. 16 of 2013, dated 10.4.2013.]

30. Scale of fees.

(1)The Council shall, with the sanction of the State Government, fix the scale of fees payable in respect of all matters and proceedings provided for in this Act or the rules and regulations made thereunder and provide the mode of their payment.(2)Such fees shall be applied for the purpose of this Act and the rules and regulations made thereunder.

Chapter V Miscellaneous

31. Offences, penalties and Procedure.

(1)Any person who:-(a)dishonestly makes use of any certificate of registration issued to him or to any other person under this Act and the rules and regulations made thereunder, or(b)procures or attempts to procure registration under this Act and the rules and regulations made thereunder 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)fraudulently procures or attempts to procure the entry of a new title or qualification under Section 20, or(d)wilfully makes or causes to be made any falsification in the registers maintained or in the certificates issued under this Act and the rules and regulations made thereunder, or(e)being the secretary, manager or other officer of any recognised institution referred to in clause (5) of Section 24, issues, or authorises the issue of, a certificate to any person or enters, or authorises the entry of, the name of such person in contravention of the provision contained in Section 26, shall, on conviction, be punished with fine which may extend to [thirty thousand rupees.] [Substituted 'three hundred rupees' by Rajasthan Act No. 16 of 2013, dated 10.4.2013.](2)Any person who, not being a nurse, midwife, health visitor or auxiliary nurse-midwife registered under this Act and the rules and regulations made thereunder,-(a)assumes or uses the name or title of a registered nurse or a registered health visitor or a registered auxiliary nurse-midwife, as the case may be, or(b)uses any name, title, addition, description or sign board implying that such person is a registered nurse or a registered midwife, or registered health visitor or a registered auxiliary nurse-midwife as the case may be,shall, on conviction, be punished with fine not exceeding [twenty thousand rupees.] [Substituted 'Two hundred rupees' by Rajasthan Act No. 16 of 2013, dated 10.4.2013.] two hundred rupees in the case of a first offence and with fine not exceeding [fifty thousand rupees.] [Substituted 'five hundred rupees' by Rajasthan Act No. 16 of 2013, dated 10.4.2013.] in the case of a second or any subsequent offence.(3)Any person who contravenes any of the provisions of this Act or the rules or regulations made thereunder shall, if such contravention does not fall within the provisions of sub-sections (1) and (2), be punished, on conviction, with fine which may extend to [ten thousand rupees.] [Substituted 'one hundred rupees' by Rajasthan Act No. 16 of 2013, dated 10.4.2013.](4)No court other than that of a magistrate of the first class shall try an offence punishable under this Act.(5)No

court shall take cognizance of an offence punishable under this Act or the rules or regulations made thereunder except on complaint made by the Registrar with the previous sanction of the Council.

32. Control of State Government.

- If at any time it shall appear to the State Government that the Council has failed to exercise or has exceeded or abused a power conferred upon it under this Act or has failed to perform a duty imposed upon it by this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council and, if the Council fails to remedy such failure, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as it may think fit: Provided that it shall take steps, as soon as may be convenient, to constitute a new Council as laid down in Section 4.

33. Rules and Regulations.

(1) The State Government may, make rules:- (a) generally to carry out the purposes of this Act, and (b) in particular, to regulate or provide for all matters which, by or under any provision of this Act, are required to be, or may be, prescribed otherwise than by the Council or for which, by or under any such provision, rules may be, or are required to be, made. (2) The Council may in addition to the powers conferred by Sections 10, 12 and 24, make regulations, not inconsistent with the provisions of this Act and of the rules made under sub-section (1), - (i) to provide for matters, other than those referred to in Sections 10, 12 and 24 which, by or under any provision of this Act, are required to be, or may be, prescribed by the Council or for which, by or under any such provision, regulations may be, or are required to be, made; (ii) to determine the strength of the staff of the Council; (iii) to determine the salaries payable to, and lay down the other conditions of service of, the Registrar and other staff of the Council; (iv) to specify the duties to be performed by the registrar and other staff; (v) to prescribe the forms of the registers to be kept and maintained under this Act; (vi) to specify the qualifying examination to be passed, the courses of training to be undergone and the other conditions to be fulfilled, for the purposes of registration under this Act; (vii) to lay down the manner of making inquiries and hearing appeals under this Act; (viii) to specify the mode of preparing and publishing annual lists under Section 23; (ix) to specify the amount or scale or various fees leviable and payable under this Act and the rules and regulations made thereunder and provide the mode of their payments; (x) to regulate the income and expenditure of the Council and the framing of its budget; (xi) to lay down the mode of keeping accounts and to provide for their audit: Provided that no regulation so made shall take effect unless it has been confirmed by the State Government.

34. Laying of rules and regulations before Assembly.

- All rules and regulations finally made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and, if,

before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or regulations or resolves that any such rule or regulation should not be so made, such rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done hereunder.

35. Bar to suits and legal proceedings.

- No suit or other legal proceeding shall lie against any person in respect of any act done by him in good faith in the exercise of any power conferred by this Act.

36. Repeal.

(1)The Bombay Nurses, Midwives and Health Visitors Act, 1954 (Bombay Act 14 of 1954) in so far as it extends to the Abu area, the Madhya Bharat Dais Registration Act, 1953 (Madhya Bharat Act 22 of 1953), the Madhya Bharat Nurses, Midwives and Health Visitors Registration Act, 1955 (Madhya Bharat Act 2 of 1955), in so far as they extend to the Sunel area and all other corresponding laws in force in any other part of the State are hereby repealed.(2)The Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registrations Ordinance, 1964 (Rajasthan Ordinance No. 2 of 1964) is hereby repealed.(3)Notwithstanding such repeal, all rules made, anything done or any action taken in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of the power conferred by or under this Act.

37. Savings.

- Nothing in this Act shall apply to or effect,-(i)a registered practitioner within the meaning of the Rajasthan Medical Act, 1952 (Rajasthan Act 13 of 1952), or(ii)a person registered or enlisted as a Vaidya or Hakim or any class under the Rajasthan Indian Medicine Act, 1953 (Rajasthan Act 5 of 1953), or(iii)any person who limits his practice to the art of dentistry or who is a Veterinary Practitioner, or(iv)any person who practices homeopathy, or(v)any person who being any indigenous dai, attends on a case of-labour.