

# The Punjab Nurses Registration Act, 1932

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India

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### Act 1 of 1932

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The Punjab Nurses Registration Act, 1932 Punjab Act No. 1 of 1932 Statement of Objects and Reasons. - "It is felt that the time has come when the interests of the increasing number of trained nurses, health visitors, midwives, nurses, dais and trained dais and of their clientele should be protected, and this can be best achieved by the registration and proper control of such nurses, health visitors, midwives, nurses, trained-dais and dais. Moreover, registration in itself supplies an incentive to take training and thereby improves professional standards. It is accordingly proposed to enact measures on the lines of the law in force in Great Britain where there is a Council which deals with various questions relating to nurses, such as the training, examination, registration, etc., of nurses and their removal from the register maintained under the authority of the Council. Provision also exists in the English Act forbidding any unregistered person from practising as a nurse and also penalising the use by an unregistered nurse of any title or name suggesting that such nurse is a registered nurse. The Madras Nurses and Midwives Act, 1926, which is based on the English Act, has already been passed into law, and a Bill for the Punjab, has been made on the provisions of the English and Madras Acts". Received the assent of His Excellency the Governor on the 14th April, 1932, and that of His Excellency the Viceroy and Governor-General on the 21st May, 1932, and was first published in the Punjab Gazette, Extraordinary, of the 7th June, 1932. An Act to provide for the registration and better training of Nurses, Health Visitors, Midwives and dais in [Punjab.] [Substituted for the words 'East Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.] Preamble. - Whereas it is expedient to provide for the registration [and holding of examinations] [Inserted by Punjab Act 16 of 1953.] of nurses, health visitors, midwives and dais in [Punjab] [Substituted for the words 'East Punjab' by the Adaptation of Laws (Third Amendment) Order, 1951.] and to secure their better training, and whereas the previous sanction of the Governor-General under section 80-A of the Government of India Act has been obtained; it is hereby enacted as follows :-

## Chapter I

### Preliminary

## **1. Short title, extent and commencement.**

(1) This Act may be called the Punjab Nurses Registration Act, 1932. (2) It extends to [Punjab] [Substituted for the words 'East Punjab' - which had been inserted for the word 'the Punjab' by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 - by the Adaptation of Laws Order, 1950.]. (3) [It shall come into force on such date] [Came into force on 2nd September, 1932.] as the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government may notify in this behalf.

## **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context :-(a) [ "Council" means the Nurses Registration Council established under this Act] [Substituted vide SO 1741 Government of India Extraordinary dated 21.4.1971 Part II, page 1980.]. (b) "dai" means any person whether following a hereditary occupation or not, who ordinarily practices midwifery for gain and who has not passed any of the examinations in midwifery recognized by the Council; (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 or one who has been registered under sub-section (2) of section 14; [Clauses (c), (d), (e) and (f) substituted by Punjab Act No. 16 of 1953, Section 3.]. (d) "midwife" means any person who has obtained a certificate or diploma of midwifery from any institution or examining body recognised by the Council in this behalf or one who has been registered under sub-section (2) of section 14; (e) "nurse" means a person who holds a certificate in nursing from any institution recognised in this behalf by the Council or one who has been registered under sub-section (2) of section 14; (f) "auxiliary nurse and midwife" means a person who has passed an examination prescribed in this behalf by the Council; (g) "Nurse-dai" means a trained dai who has passed the examination in nursing prescribed by the Council for nurse-daies; (h) "prescribed" means prescribed by this Act by rules, regulations or bye-laws made under the Act; (i) "register" means a register maintained under section 15; (j) "registered" means registered in accordance with the provisions of section 14; (k) "registered medical practitioner" means a person registered under the Punjab Medical Registration Act, 1916 [or any other corresponding law for the time being in force] [Inserted vide SO 1741 Government of India Extraordinary dated 21.4.1971 Part II, page 1980.]; (l) "trained dai" means a dai who has been granted a training certificate under the bye-laws made by the Council, or one who has been registered in accordance with the provisions of clause (d) of sub-section (1) of section 14; (m) "unregistered" means not registered in accordance with the provisions of section 14. (n) [ 'transferred territory' means the territory forming part of the State of Himachal Pradesh by virtue of section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966), read with section 3 of the State of Himachal Pradesh Act, 1970 (53 of 1970).] [Added vide SO 1741 Government of India Extraordinary dated 21.4.1971 Part II, page 1980.]

**2A. [ Construction of certain references in the Act.] [Inserted vide S.O. 1741 Government of India Extraordinary dated 21.4.1971 Part II, page 1980.]**

- In the application of the provisions of this Act, -(1)to the State of Haryana, any reference therein to the expression "State Government" or "Government" shall be construed as a reference to the Government of the State of Haryana; and any reference to the "Director of Health Services, Punjab" in sections 3 and 8 shall be construed as a reference to the Director of Health Services, Haryana;(2)to the transferred territory, any reference therein to the expression "State Government" or "Government" shall be construed as a reference to the Government of Himachal Pradesh;(3)to the Union territory of Chandigarh, any reference therein to the expression "State Government" or "Government" shall be construed as reference to the Administrator of the Union Territory of Chandigarh.

## **Chapter II**

# **Constitution of Council, Appointment of Office-bearers and the making of Regulations**

### **3. Constitution of the Punjab Nurses Registration Council.**

(1)There shall be established a Council to be known as the Punjab Nurses Registration Council which shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.(2)[ The Council shall consist of the following members, namely :-(a)the Director of Health Services, Punjab;(b)eight members to be appointed by the State Government from among the persons specified in the Schedule, four of whom shall be Nursing Superintendents of the hospitals training candidates for any of the examinations conducted by the Council;(c)two registered nurses to be elected by the nurses registered under the Act;(d)one registered health visitor to be elected by the health visitors registered under the Act;(e)one registered midwife to be elected by the midwives registered under the Act:Provided that, should the registered nurses or the registered health visitors or the registered midwives fail after the occurrence of a vacancy to elect a member within such period as the State Government may by rule prescribe, the State Government may fill such vacancy by the appointment of a registered nurse, registered health visitor or registered midwife, as the case may be.] [Substituted by Punjab Act 16 of 1953.](3)The appointment and election of members [ - ] [The words 'other than those appointed by virtue of their office', omitted by Punjab Act 16 of 1953.] shall be notified by the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government.

### **3A. [ Temporary provisions in respect of Council.] [Added vide SO 1741 Government of India Extraordinary dated 21.4.1971 Part II, page 1980.]**

- Notwithstanding anything contained in this Act, -(1)The Punjab Nurses Registration Council constituted under section 3 and functioning and operating in the States of Punjab. Haryana, the transferred territory and the Union Territory of Chandigarh immediately before the appointed day as defined in the Punjab Nurses Registration Council (Reconstitution and Reorganisation) Order, 1971, issued under section 4 the Inter State Corporations Act, 1957 (Central Act 38 of 1957), shall, as from that date, stand dissolved and members thereof shall vacate their offices.(2)As from the date

referred to in clause (1), the Government of Punjab shall constitute a Council for the State of Punjab in the manner specified in section 3, to be known as the Punjab Nurses Registration Council; Provided that the members referred to in clauses (c), (d) and (e) of sub-section 3 shall be nominated by the Government of Punjab from amongst the registered nurses, health visitors or midwives, as the case may be, ordinarily residing in the State of Punjab instead of being elected in the manner indicated in any of those clauses : Provided further that no person specified at serial No. (6) or serial No. (10) in the Schedule to the Act shall be appointed as a member of the said Council under clause (b) of sub-section (2) of section 3. (3) As from the date referred to in clause (1), the Government of Haryana shall constitute a Council for the State of Haryana in the manner specified in section 3, to be known as the Haryana Nurses Registration Council : Provided that the members referred to in clauses (c), (d) and (e) of sub-section 3 shall be nominated by the Government of Haryana from amongst the registered nurses, health visitors or midwives, as the case may be, ordinarily residing in the State of Punjab instead of being elected in the manner indicated in any of those clauses. (4) In respect of the transferred territory, the Government of Himachal Pradesh shall, until a Council is duly constituted for the said area under section 3, exercise the powers, perform the functions and discharge the duties of the Council under this Act. (5) In respect of the Union Territory of Chandigarh, the Administrator of the Union Territory shall, until a Council is duly constituted for the said territory under section 3, exercise the powers, perform of the functions and discharge the duties of the Council under this Act. (6) The members of the Punjab Nurses Registration Council and the Haryana Nurses Registration Council constituted under this section shall, notwithstanding anything contained in section 4 hold office for a period of five years from the date referred to in clause (1) or until such time as a Council is duly constituted under section 3, whichever is earlier. (7) The vice-President of each of the Councils constituted under clauses (2) and (3) shall be nominated from amongst the members of the Council by the Government of the State for which the Council has been constituted.

### **3B. [ Constitution of Punjab Nurses Registration Council for a temporary period.] [Added vide Punjab Act 4 of 1980.]**

(1) Notwithstanding anything contained in this Act, as from the commencement of the Punjab Nurses Registration (Amendment and Validation) Ordinance, 1979, the State Government shall, in the manner specified in section 3, constitute a Council for the State of Punjab to be known as the Punjab Nurses Registration Council : Provided that the members referred to in clauses (c), (d) and (e) of sub-section 3 shall be nominated by the State Government from amongst the registered nurses, health visitors or midwives, as the case may be, ordinarily residing in the State of Punjab instead of being elected in the manner indicated in any of those clauses. (2) The Vice-President of the Punjab Nurses Registration Council shall, notwithstanding anything contained in sub-section (2) of section 8, also be nominated by the State Government from amongst its members. (3) Each member of the Punjab Nurses Registration Council including the Vice-President other than the member appointed by virtue of his office shall notwithstanding anything contained in sub-section (1) of section 4 and sub- section (1) of section 9, hold office for a period of two years from the date of nomination or until the Council is duly constituted under section 3, whichever is earlier. Validation. - Notwithstanding anything contained in this Act, -(a) anything done or any action taken or purporting to have been done or taken by the Council as it existed immediately before the first day

of May, 1976, or by the Director, Health and Family Welfare or any other officer authorised by him, during the period commencing from first day of May, 1976, and ending on the commencement of this Act, under the provisions of the principal Act or the rules made thereunder including the appointment of the Registrar and other staff of the Council and registration of persons under the principal Act, shall be deemed to be as valid and effective as it would have been if a duly constituted Council had been in existence and all such things or actions had been done or taken by that Council during the aforesaid period and accordingly no such thing or action shall be called into question merely on the ground that no duly constituted Council had been in existence, or that any such thing or action was done or taken by the Director, Health and Family Welfare, or any other officer authorised by him, during the aforesaid period; and (b) any appeal under sub-section (3) of section 14 of the principal Act, which could be filed during the period referred to in clause (a) may be filed within a period of thirty days of the constitution of the Punjab Nurses Registration Council under section 3-B: Provided that in counting the period of thirty days the time spent in obtaining a copy of the order appealed against shall be excluded.

#### **4. Term of office of members.**

(1) Except as otherwise provided in section 3 and in this section the term of office of a member of the Council other than a member appointed by virtue of his office, shall be [five] [Substituted by Punjab Act 16 of 1953, Section 5, for 'three'.] years and shall commence from the date of publication of the notification of his election or appointment. [A member other than a member appointed by virtue of office when appointed in place of a member who has for any reason, vacated his office earlier than his term, shall hold office for the remaining period of the term of the member in whose place he has been nominated or elected.] [Added by Punjab Act 16 of 1953, Section 5.] (2) The term of office of a member of the Council appointed by virtue of his office shall continue so long as he holds the office in virtue of which he is such a member. (3) Notwithstanding anything contained in this Act, an outgoing member shall, unless the State Government otherwise directs, continue in office until the election or appointment of his successor is notified. (4) An outgoing member may if otherwise qualified be re-elected or re-appointed.

#### **5. Cessation of membership.**

- A member of the Council shall be deemed to have vacated his seat - (a) if he submits his resignation in writing to the president of the Council; (b) if he has, in the opinion of the Council without sufficient excuse, been absent from three consecutive meetings of the Council; (c) [if he has been absent out of India for more than one year continuously; [Substituted by Punjab Act 16 of 1953, section 6 for clauses (c) and (d).]] (d) if in the case of a member under clause (c), (d) or (e) of sub-section (2) of section 3, he ceases to be a registered nurse, a registered health visitor or a registered midwife, as the case may be; (e) if he refuses to act or becomes, in the opinion of the Council, incapable of acting, or has been declared a bankrupt or an insolvent or has been convicted of any such offence or subjected by a criminal court to any such order as implies, in the opinion of the Council, a defect of character which unfits him to be a member.

## **6. Removal of any member.**

- Notwithstanding anything contained in this Act, the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government may at any time, for any reason which it may deem to affect the public interests or at the request of a majority of a two- thirds of the members of the Council, by notification direct that the seat of any specified member, whether elected or appointed [ - ] [The words 'by name' omitted by Punjab Act 16 of 1953, Section 7.] shall be vacated on a date specified in the notification and such seat shall thereupon be vacated accordingly.

## **7. Casual vacancies, how to be filled.**

(1)When the seat of an elected member becomes vacant under the provisions of section 5 or by his death, resignation or removal, a new member shall be elected in accordance with the provisions of this Act.(2)When the seat of an appointed member becomes vacant under the provisions of section 5 or by his death, resignation or removal, [ - ] [The words 'the Medical Council or' and 'as the case may be', omitted by Punjab Act 16 of 1953, Section 8.] the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government, [ - ] [The words 'the Medical Council or' and 'as the case may be', omitted by Punjab Act 16 of 1953, Section 8.] shall appoint another member in his place.

## **8. President and vice-president of the Council.**

(1)[The Director of Health Services] [Substituted by Punjab Act 16 of 1953, section 9, for 'the Inspector General of Civil Hospitals'.] [Punjab] [Substituted for 'East Punjab - which had been inserted for the word 'the Punjab' by the Indian Independence (Adaptation of 'Bengal and Punjab') Acts Order, 1948 - 4th Adaptation of Laws Order, 1950.] shall be the president of the Council.(2)There shall be a vice-president of the Council elected by name from among its members at a meeting thereof.

## **9. Term of office of vice-president.**

(1)The term of office of a vice- president shall be [five] [Substituted by Punjab Act 16 of 1953, Section 10, for 'three'.] years.(2)A vice-president may resign his office by notice in writing to the president, and on his resignation being accepted by the Council the office shall become vacant.(3)When the office of vice-president becomes vacant another member shall be elected vice-president for the remainder of the term of office of the vice- president in whose place he is elected or for the remainder of his term of office as member whichever is less.

## **10. Appointment of registrar and other officers or servants.**

- The Council shall appoint a registrar who shall also act as treasurer unless the Council appoints another person as treasurer, and may appoint such other officers or servants as it may deem necessary and every person so appointed shall, subject to the rules, be removable from office at the

pleasure of the Council and shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

## **11. Quorum.**

- The quorum necessary for the transaction of business at a meeting of the Council shall be such number or proportion of the members of the Council as may, from time to time, be fixed by the regulations but shall not be less than five :Provided that, if at any meeting of the Council a quorum is not present the president shall adjourn the meeting and the business which would have been brought before the original meeting shall be brought before and transacted at the adjourned meeting whether there be a quorum present or not.

## **12. Power to make regulations.**

(1)The Council may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely :-(a)the time and place of its meeting;(b)the manner in which notice of a meeting shall be given;(c)the conduct of business at a meeting, the record of proceedings and the adjournment of meetings;(d)the quorum necessary for the transaction of business at a meeting;(e)the appointment and constitution of sub-committees for any purpose relating to any matter with which the Council is empowered to deal and the co-option of persons specially qualified to advise on any particular matter;(f)the payment of fees and travelling allowance to member for attendance at meetings of the Council;(g)the custody of the common seal and the purposes for which it shall be used;(h)the persons by whom receipts shall be granted on behalf of the Council for money received under this Act;(i)the appointment, duties, executive power, leave, suspension and removal of its officers and servants and the payment of salaries or allowances to such persons.(2)No regulation made under the provisions of sub-section (1) shall take effect until it has been confirmed by the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government and published in the [Official Gazette] [Substituted for the word 'Gazette' by the Government of India (Adaptation of Indian Laws) Order, 1937].

## **13. Vacancies and irregularities not to invalidate proceedings.**

- No act or proceeding of the Council shall be invalid by reason only of the existence of a vacancy in the Council or on account of any defect or irregularity not affecting the merits of the case.

## **Chapter III**

## **Registration of Nurses, Health Visitors, Midwives, Nurse-dais, Trained Dais and Dais**

## 14. Registration of nurses, health visitors, midwives, nurse-dais, trained dais and dais.

(1) Every person who complies with such conditions and restrictions as may be prescribed by the Council and - (a) has undergone the necessary course of training or passed the examination, if any, prescribed for nurses, health visitors, midwives, nurse- dais [auxiliary nurses and mid-wives] [Inserted by Punjab Act 16 of 1953, Section 11(a)(i).], or trained dais, or (b) is registered as a nurse or midwife [or health visitor] [Inserted by Punjab Act 16 of 1953, Section II(a)(iii).] by any association which is recognised by the [Council] [Substituted by Punjab Act 16 of 1953, Section 11(a)(ii) for 'provincial (State) Government'.], or (c) is able to satisfy the Council that he has anywhere in India undergone a course of training or passed an examination, similar to the course of training and examination referred to in clause (a) and recognised by the [Council] [Substituted by Punjab Act 16 of 1953, Section 11(a)(ii) for 'provincial (State) Government'.], (d) is already employed or practising in Punjab as a dai, or is doing the same work as a nurse, health visitor, midwife, nurse-dai or trained dai, when this Act comes into force. may apply to the registrar to have his name registered : Provided that an application from a person who claims to be registered under clause (d) shall not be entertained unless it is received within [five years] [The words 'five years' were substituted for the words, 'three years' by section 2 of the Act 6 of 1936.] from the date on which this Act comes into force. (2) (a) If the registrar is satisfied that any nurse, health visitor, midwife, nurse-dai, [auxiliary nurse and midwife] [Inserted by Punjab Act 16 of 1953, Section 11(b)(i).], or trained dai applying under clause (a) or clause (b) of sub-section (1) is entitled to be registered he shall on payment of such fees as may be prescribed, enter the name of such nurse, health visitor, midwife, nurse-dai [auxiliary nurse and midwife] [Inserted by Punjab Act 16 of 1953, Section 11(b)(i).] or trained dai in the prescribed register; (b) if the registrar is satisfied that any person applying under clause (c) or clause (d) of sub-section (1) is entitled to be registered as a nurse, health visitor, midwife, nurse-dai, [auxiliary nurse and midwife] [Inserted by Punjab Act 16 of 1953, Section 11(b)(i).], or trained dai, as the case may be, he shall lay the application before the Council with a recommendation that he be permitted to enter the name of such person in the prescribed register, and shall not make any entry in the prescribed register in respect of such person until the entry is permitted by the Council to be made : Provided that - (i) the registrar on receiving an application under clause (a) or clause (b) of sub-section (1) from any person in respect of whom he considers that the Council may wish to exercise its powers of refusal under clause (ii) of this proviso may refer the said application to the Council or to any sub- committee appointed by the Council for that purpose and shall not make an entry in the register in respect of such person until the entry is permitted by the Council to be made; (ii) the Council may refuse to permit the registration of any person who 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 who, after an enquiry at which opportunity has been given to such person to be heard in person or by pleader, has been held by the Council to have been guilty of any professional misconduct or [ - ] [The words 'in the case of a person applying under clause (c) or clause (d) of sub-section (1) is held by the Council', omitted by Punjab Act 16 of 1953, Section 11(b)(ii).] not to possess satisfactory professional qualifications; (iii) [ the Council may, at any time, issue a warning to or direct the removal of the name of a registered person for any of the reasons for which it could refuse to permit the registration of such person after an enquiry at which opportunity has been given to such person to be heard in person or by a counsel:] [Clause (iii) of first proviso,



added by Punjab Act 16 of 1953, Section 11(b)(iii).] Provided further that an appeal may be preferred to the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government from an order of the Council passed under [ - ] [The words 'clause (ii) of' omitted by Punjab Act 16 of 1963, Section 11(b)(iv).] the first proviso to this sub-section if such appeal is made within one month [or such period as may be extended on sufficient cause shown for not preferring the appeal within time from the date of receipt of the registered notice intimating that the Council has refused to permit the registration or has removed the name of such person.] [Substituted by Punjab Act 16 of 1953, Section 11((b)(iv).](3) If the registrar is not satisfied that such nurse, health visitor, midwife, nurse-dai, [auxiliary nurse and midwife] [Inserted by Punjab Act 16 of 1953, Section 11(c).], trained dai or dai is entitled to be registered he shall reject the application, provided that an appeal shall lie to the Council from such an order of the registrar if such appeal is preferred within one month from the date of despatching by registered post a notice addressed to the applicant at the address from which the application was sent intimating that such application has been rejected.(4) For the purpose of an enquiry under [ - ] [The words 'clause (ii) of' omitted by Punjab Act 16 of 1953, Section 11(d).] the first proviso to sub- section (2) or of any appeal under sub-section (3) the Council shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 and shall exercise all the powers of a Commissioner under the [Public Servants (Inquiries) Act, 1850] [See unrepealed Central Acts, Volume I.], and such enquiry or appeal shall be conducted, so far as may be in accordance with the provisions of section 5 and sections 8 to 20 of the [Public Servants (Inquiries) Act, 1850] [See unrepealed Central Acts, Volume I.]; provided that nothing contained in any Act shall prevent the Council from holding an enquiry or hearing any appeal in camera : Provided further that the Council may direct that any such inquiry or appeal shall be heard by a committee of the Council composed of such members of the Council as the Council may direct.

## 15. Registers to be maintained.

(1) The registrar shall maintain the following registers -(a) a register showing the name and address of each registered nurse in [Punjab] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.]; (b) a register showing the name and address of each registered health visitor in [Punjab] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.]; (c) a register showing the name and address of each registered midwife in [Punjab] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.]; (d) a register showing the name and address of each registered nurse-dai in [Punjab] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.]; (e) a register showing the name and address of each registered trained- dai in [Punjab] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.]; (f) [ a register showing the name and address of each registered auxiliary nurse and midwife in Punjab] [Clause (f) added by Punjab Act 16 of 1953, Section 12(i).]. (2) The Registrar shall keep the registers in accordance with the provisions of this Act and of any rules or bye-laws made thereunder and shall from time to time make all necessary alterations in the names and addresses of such nurses, health visitors, midwives, nurse-dais, [auxiliary nurses and midwives] [Inserted by Punjab Act 16 of 1953, Section 12(ii).], or trained dais and remove the name of any such person who is dead. (3) To enable the registrar to fulfil the duties imposed upon him by sub- sections (1) and (2) he may send through the post a registered letter to any person registered as a nurse, health visitor, midwife, nurse-dai [auxiliary nurse and midwife] [Inserted by Punjab Act 16 of 1953, Section 12(iii).], or trained dai, addressed according to his registered address for the

purpose of enquiring whether he has ceased to practise or whether his residence or address 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 remove the name of such person from the prescribed register :[Provided that any name removed under this Act may, on representation made in this behalf, be re-entered in the register, subject to such conditions and payment of fees as may be specified in the direction of the Council, or the appellate authority, if an appeal was preferred against the order or removal] [Substituted by Punjab Act 16 of 1953, Section 12(iii).](4)Any entry in the registers which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made shall be removed or corrected in pursuance of a resolution of the Council.

**15A. [ Temporary provision in respect of registers.] [Added vide SO 1741 Government of India Extraordinary dated 21.4.1971 Part II, page 1980.]**

- All nurses, health visitors and mid- wives, who immediately before the appointed day, as defined in the Punjab Nurses Registration Council (Reconstitution and Reorganisation) Order 1971, issued under section 4 of the Inter State Corporations Act, 1957 (Central Act 38 of 1957), were on the registers maintained under this Act, shall, on and from that day, without further fee or charge, continue to be on the registers of the State of Punjab and Haryana, the transferred territory and the Union Territory of Chandigarh for a period of six months from the appointed day and thereafter, on the register of any of the said States or territory in which the registered person desires to continue his or her registration:Provided that such registration shall continue for the period for which it was made until the register is duly amended or until the name is duly removed under the Act.

**16. Annual lists of nurses, health visitors, midwives, nurse-dais and trained dais.**

(1)The registrar shall [ - ] [The words 'in every year' omitted by Punjab Act 16 of 1953, Section 12(iii).] on or before a date to be fixed in this behalf by the Council cause to be printed and published correct lists of the names for the time being entered in the registers setting forth :(a)the names entered in the respective registers, arranged in alphabetical order;(b)the registered address of each person whose name is entered in the register; and(c)the registered qualification of each such person and the date on which such qualification was certified.(2)Every court shall presume that any person whose name is entered in the latest of such lists is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act :Provided that in the case of any person whose name does not appear in such lists, a certified copy signed by the registrar, of the entry of the name of such person in the register shall be conclusive evidence that such person is registered under this Act :Provided further that a certificate purporting to be signed by the registrar stating that the name of a person has been removed from such register and specifying the date of such removal shall be conclusive proof of the fact and date of such removal.

## **17. Power to prohibit unregistered person from practising.**

(1)Any local authority may make bye-laws prohibiting unregistered persons from practising as nurses, health visitors, midwives, nurse-dais, [auxiliary nurses and midwives] [Inserted vide Punjab Act 16 of 1953, Section 14.], trained dais or dais within the area subject to its authority and may in such bye-laws provide that any person practising in contravention of such bye-laws or any person committing or abetting the commitment of a breach of any such bye-laws shall be liable on conviction [by a Judicial Magistrate of the first class] [Substituted for the words 'by a Magistrate of the First Class' by Punjab Act 25 of 1964.], to a fine not exceeding fifty rupees for a first offence, or to a fine not exceeding two hundred and fifty rupees for a second or subsequent offence.(2)If any local authority fails to make bye-laws under sub-section (1), the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by notification prohibit unregistered persons from practising as nurses, health visitors, midwives, nurse-dais, [auxiliary nurses and midwives] [Inserted Punjab Act 16 of 1953, Section 14.], trained dais or dais within the area subject to such local authority, and any unregistered person practising in contravention of such notification shall be liable, on conviction [by a Judicial Magistrate of the first class] [Substituted for the words 'by a Magistrate of the First Class' by Punjab Act 25 of 1964.], to a fine not exceeding fifty rupees for a first offence, or to a fine not exceeding two hundred and fifty rupees for a second or subsequent offence.(3)Notwithstanding anything to the contrary in any enactment, rule, bye-law or other provision of law for the time being in force, no person other than a registered nurse, a registered health visitor, a registered midwife, a registered nurse-dai, a registered auxiliary nurse and midwife, a registered trained dai or dai shall be competent to hold any appointment or be employed as such in any hospital, asylum, infirmary, dispensary, lying-in- hospital, nursing home, maternity home, health centre or other such institution, private or public, whether supported by voluntary contributions or not.

## **18. Power to make bye-laws.**

- The Council may, after previous publication, make bye-laws -(a)to prescribe the courses of training of, and qualifications for the registration of nurses, health visitors, midwives, nurse-dais, [auxiliary nurses and midwives] [Inserted vide Punjab Act 16 of 1953, Section 15.], or trained dais; and to provide for the recognition of institutions competent to give such training;(b)to regulate the issue of certificates, the maintenance of registers and the conditions of admission of names of persons to such registers and to prescribe the form of application for such admission and the uniform or badge to be worn by registered nurses, registered midwives, registered nurse-dais [registered auxiliary nurses and midwives] [Inserted vide Punjab Act 16 of 1953, Section 15.], registered trained dais while on duty;(c)to prescribe the fees for registration and the re-entry of names removed from the registers;(d)to regulate the publication of lists of registered nurses, registered health visitors, registered midwives, registered nurse-dais, [registered auxiliary nurses and midwives] [Inserted vide Punjab Act 16 of 1953, Section 15.], or registered trained dais;(e)[ to regulate the conduct of and prescribe fees for examination of nurses, health visitors, midwives, nurse-dais, auxiliary nurses and midwives and trained dais; [Clauses (e), (f), (g), (h), (i) and (j) added by Punjab Act 16 of 1953, Section 15.](f)to confer, grant or issue diplomas, licences, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise or otherwise work as

nurse, midwife, auxiliary nurse and midwife, health visitor, nurse-dai or trained dai;(g)to prescribe fees for the affiliation of institutions recognised as training schools for nurses, midwives, nurse-dais, auxiliary nurses and mid- nurse-dai or trained dai;(h)to prescribe the scale of fees, remuneration and travelling allowance to Examiners, Supervisors, Invigilators and other persons appointed by the Council for the conduct of examinations;(i)to prescribe the prices of publications of the Council;(j)to regulate the conduct of registered persons].

## **19. Confirmation and publication of bye-laws.**

(1)No bye-law made under [Sections 17 and 18] [The words and figures 'Sections 17 and 18' were substituted for the words and figures 'Sections 16 and 17' by Punjab Act 6 of 1936, Section 30.] shall come into force until six weeks after it has been confirmed by the State Government and published in the [Official Gazette] [Substituted for the word 'Gazette' by the Government of India (Adaptation of Indian Laws) Order, 1937.].(2)The [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government may cancel its confirmation of any such bye- law and thereupon the bye-law shall cease to have effect.

## **20. Power of Government to make rules.**

- The [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, after 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, the [State] [Substituted for the words 'Provincial' by the Adaptation of Laws Order, 1950.] Government may make rules -(a)to regulate elections under section 3;(b)to prescribe the form of the registers to be maintained under section 15;(c)to regulate and restrict within due limits the practice of registered nurses, registered health visitors, registered midwives, registered nurse- dais, [registered auxiliary nurses and midwives] [Inserted Punjab Act 16 of 1953, Section 16.] or registered trained dais.(d)to regulate to procedure to be followed by the Council -(i)in making a re-entry in the registers of the names of persons removed from such registers, and in withdrawing an order of suspension of practice passed on a registered nurse, registered health visitors, registered midwife, registered nurse-dai or registered trained dai; and(ii)in disposing of appeals from the decisions of the registrar made under section 14; and(iii)in regulating the application of fees levied under this Act and of other moneys received by the Council for the purposes of this Act;(e)to regulate the expenditure of the Council and to provide for the audit of its accounts.

## **21. Bar to suits in respect of acts done under this Act.**

- No act done in the exercise of any power conferred by this Act on the State Government or the Council or the registrar, shall be questioned in any civil court.

## **22. Exemption of registered medical practitioners from provisions of this Act.**

- Nothing in this Act shall apply to registered medical practitioners.

### **23. Penalty for dishonest use of certificate, etc.**

- 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, or (b) procures or attempts to procure registration under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration, certificate or representation whether in writing or otherwise, or (c) wilfully makes or causes to be made any falsification in any matter relating to the registers maintained or the certificates issued under the provisions of this Act, shall on conviction [by a Judicial Magistrate of the first class] [Substituted for the words 'by a Magistrate of the First Class' by Punjab Act 25 of 1964.], be punishable with fine which may extend to three hundred rupees.

### **24. [ Penalty for unlawful assumption of title of registered nurse, health visitor, midwife, nurse-dai or trained dai.] [Substituted for the old section, by Punjab Act 16 of 1953, Section 17.]**

- Any person who, not being a registered nurse, or a registered health visitor, or a registered midwife, or a registered nurse-dai, or a registered auxiliary nurse and midwife, or a registered trained dai, assumes or uses the name or title of a registered nurse, or a nurse, a registered health visitor or a health visitor, a registered midwife or a midwife, a registered auxiliary nurse and midwife, or an auxiliary nurse and midwife, a registered trained dai, or a trained dai, as the case may be, or uses any name, title, addition, description or signboard implying that such person is registered, or in any manner regulates the conduct of examinations or confers or grants diplomas or certificates except as provided in this Act or the rules or bye-laws made thereunder, shall, on conviction by a Judicial Magistrate of the first class be liable to a fine not exceeding two hundred and 50 rupees in the case of a first offence and for a second or any subsequent offence, to a fine not exceeding 500 rupees or imprisonment of either description for six months or both.

### **25. Bar to prosecutions under the Act.**

(1) No court shall take cognizance of any offence punishable under this Act except on complaint made with the previous sanction of the Council. (2) [ A complaint under this section shall be lodged by the Registrar in the court of competent jurisdiction within the district in which the office of the Council is located. (3) The State Government may, from time to time, by notification, add to, amend, vary or rescind an entry in the Schedule.] [Section 25 numbered as sub-section (1) and sub-sections (2) and (3) added by Punjab Act 16 of 1953, Section 18.] [The Schedule] [Substituted for the old schedule by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, (GGO 40).] (Section 3) (1) Nursing Superintendent, V.J. Hospital, Amritsar. (2) Nursing Superintendent, Memorial Mission Hospital, Ludhiana. (3) Nursing Superintendent, Francis Newton Hospital, Ferozepur. (4) Nursing Superintendent, Lady Reading Hospital, Simla. (5) Honorary District Secretary, Trained Nurses Association of India, [Punjab.] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.] (6) The Principal, Punjab Medical School for Women, Ludhiana. (7) The Principal, East Punjab Health School. (8) The Deputy Directress of Public Instruction, [Punjab.]

[Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.](9)The Professor of Midwifery, Glancy Medical College, Amritsar.(10)A nominee of the Delhi State.(11)A woman Assistant Surgeon in the service of the [State] [Substituted by the Adaptation of Laws Order, 1950.] Government.(12)A member to be nominated by the Executive Committee of the Saint John Ambulance Association, [Punjab.] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.](13)Two members who have been connected with a teaching Medical Institution.(14)Lady Superintendent, St. John's Ambulance Brigade [Punjab.] [Substituted by Adaptation of Laws Order, 1950, for 'East Punjab'.]-----