

Nurses and Midwives Act, 1953

KERALA

India

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Act 10 of 1953

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Nurses and Midwives Act, 1953(Act 10 of 1953)Last Updated 10th December, 2019Preamble. - Whereas it is expedient to provide for the registration and training of [nurses, midwives, health visitors and auxiliary nurse-midwives] [Substituted by Act 14 of 1964] in the State of Kerala;It is hereby enacted as follows:-

1. Short title, extend and commencement.

(1)This Act may be called the [Nurses and Midwives Act,] [Substituted by Act 15 of 1961] 1953.(2)[It extends to the whole of the State of Kerala] [Substituted by Act 15 of 1961](3)It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Council" means the [Kerala Nurses and Midwives Council] [Substituted by Act 14 of 1964] established under Section 3;(b)"Institution" means any association which maintains or controls an establishment for training nurses or midwives or both and which is recognized by the Council;(c)"Medical Council" means the Council of Modern Medicine, established under the Travancore - Cochin Medical Practitioners Act, 1953;(d)"Nurse" includes a male nurse;(e)"President" means the President of the Council;(f)"Register" means the register of nurses or the register of midwives or the register of auxiliary nurse-midwives or the register of health visitors or the register of dhais maintained under this Act and "registered" means registered or deemed to be registered under this Act] [Substituted by Act 14 of 1964](g)"Registered practitioner" means a practitioner who is [registered or deemed to be registered in the register of practitioners] [Substituted by Act 15 of 1961] for Modern Medicine maintained under the Travancore-Cochin Medical Practitioners Act, 1953;(h)"Registrar means the Registrar appointed under Section 17(i)"Regulations" means Regulations made by the Council under this Act;(j)"Rules" means rules made by the Government under this Act.

3. [Establishment, incorporation and constitution of the Council. [Substituted by Act 14 of 1964]

(1)The Government shall, by notification in the Gazette, establish a Council to be called the Kerala Nurses and Midwives Council for the purpose of carrying out the provisions of this Act. Such Council 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, the Professor of Gynaecology, Medical College, Trivandrum, the Professor of Gynaecology, Medical College, Kozhikode [the Professor of Gynaecology, Medical College, Kottayam, the Assistant Director of Health Services (maternity and Child Health)] [Inserted by Act 14 of 1964], the Superintendent, Women and Children s Hospital, Trivandrum and the Superintendent Women and Children s Hospital, Kozhikode, to be ex-officio members;(b)One member elected by the members of the Medical Council from among themselves;(c)three registered nurses nominated by the Government, two of whom shall be Superintendents of nursing schools and the third shall be the Matron - Superintendent of a Major Hospital;(d)[six members elected by the registered nurses from among the nurses registered in Part A of the register of nurses, of whom at least one shall be a member of the Trained Nurses Association of India registered in the State of Kerala, one a member, of the Kerala Government Nurses Association and one a nurse working in a private hospital in the State;] [Substituted by Act 15 of 1961](e)[three members elected by the registered midwives of whom one shall be from among the midwives registered in Part A of the register of the midwives, and two from among the auxiliary nurse-midwives registered under this Act;] [Substituted by Act 14 of 1964](f)[one member elected by the registered health visitors from among the health visitors registered in the register of health - visitors] [Inserted by 14 of 1964.]

4. [Nomination of members in default of election. [Substituted by Act 14 of 1964]

- If any of the members mentioned in clause (b), clause (d), clause (c) or clause (f) of sub-section (2) of section 3 is not elected, the Government may, as the case may be, nominate such member, registered nurse, registered midwife, registered auxiliary nurse-midwife or registered health visitor as they may deem fit, and the member, registered nurse, registered midwife, registered auxiliary nurse-midwife or registered health visitor so nominated shall be deemed to have been duly elected under clause (b), clause (d), clause (c) or clause (f) of sub-section (2) of section 3, as the case may be.]

5. Nomination of members to the first Council.

- Notwithstanding anything contained in sections 3 and 4, [in the case of the first Council established after the commencement of the Travancore - Cochin Nurses and Midwives (Amendment) Act, 1960] [Substituted by Act 15 of 1961.], all the members other than the ex-officio members shall be nominated by the Government.

6. Disqualifications for membership.

- A person shall be disqualified for being elected or nominated as, and for being member of the Council.(a)if he has not attained the age of majority;(aa)[if he is not a resident of the State of Kerala;] [Substituted by Act 15 of 1961.](b)if he is an undischarged insolvent;(c)if he is of unsound mind and stands so declared by a competent Court, a deaf-mute or a leper;(d)if he has been dismissed from service under any Government;(e)if his name has been removed from the registers maintained under this Act or the Travancore - Cochin medical Practitioners Act, 1953, and has not been reinstated.

7. Term of office of members.

(1)save as otherwise provided in this Act. The term of office of the members other than the ex-officio members shall, -(a)in the case of [the first Council constituted after the commencement of the Travancore - Cochin Nurses and Midwives (Amendment) Act, 1960] [Substituted by Act 15 of 1961.] be for a period of two years commencing from the date on which the first meeting of such Council is held; and(b)in the case of any Council other than [the first Council constituted after the commencement of the Travancore - Cochin Nurses and Midwives (Amendment) Act, 1960] [Substituted by Act 15 of 1961.] be for a period of five years from the date on which the first meeting of such Council is held.(2)An outgoing member shall continue in office until the election or nomination, as the case may be of his successor.(3)An outgoing member shall be eligible for re-election or re-nomination if otherwise qualified.

8. Vacancies.

- [Vacancies in the office of the elected or nominated members of the Council shall be filled by election or nomination, as the case may be] [Substituted by Act 15 of 1961.]. Any Person elected or nominated to fill the vacancy shall, notwithstanding anything contained in section 7, hold office only as long as the member in whose place is elected or nominated would have held office if the vacancy had not occurred;Provided that it shall be lawful for the Council to exercise its powers under this Act, notwithstanding such vacancy.

9. President and Vice-President.

(1)The Government shall nominate one of the members of the Council to be its President.(2)The Council shall elect one of its members other than the President to be its Vice - President.(3)The President or the Vice - President shall be deemed to have vacated his office on resignation or on the expiry of his term of office as a member or on his otherwise ceasing to be a member.(4)When the office of the President is vacant, the Vice - President shall exercise the functions of the President until a new President assumes office.(5)When the office of the President is vacant or the President is incapacitated and there is either a vacancy in the office of the Vice - President or the Vice-President is incapacitated, the Registrar shall after giving notice of not less than seven clear days to the members of the Council, convene a meeting for the election of a President if there is a vacancy in

that office, and until a new President or Vice - President is elected and assumes office, or either the President or the Vice - President recovers from his incapacity, as the case may be the [Director of Health Services] [Substituted by Act 15 of 1961.] shall, notwithstanding anything contained in this Act, be ex-officio President of the Council.(6)An outgoing President or Vice-President shall be eligible for re-nomination or re-election, if otherwise qualified.Explanation. - A New President or Vice-President shall be deemed to have assumed office on his being nominated or declared, elected as such.

10. Appointments is to be notified in the Gazette.

- All elections, nominations and appointments of the President, Vice - President, Members of the Council and the Registrar shall be notified in the Gazette.

11. Cessation of Membership.

- A member of the Council other than an ex - officio member shall be deemed to have vacated his seat.-(a)[subject to the provisions of sub-section (2) of section 7, on the expiry of the term of office;] [Substituted by Act 15 of 1961.](b)on resignation;(c)on absence, without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council;(d)on becoming subject to any of the disqualifications mentioned in section 6;(e)in the case of a member elected by the Medical Council, if he ceases to be a member of that Council.

12. Resignation of membership.

- Any member other than an ex-officio member, or the Vice-President may at any time resign his office by giving notice in writing to the President, the President may resign his office by giving notice in writing to the Council. Such resignation shall take effect in the case of a member or Vice-President from the date on which it is received by the President; and in the case of the President, from the date on which it is placed before the Council.

13. Validity of proceedings.

(1)No disqualification of or defect in the election or nomination of any person acting as a member of the Council or as President or Vice-President or presiding member of a meeting shall be deemed to invalidate any act or proceeding of the Council in which such person has taken part.(2)No act done by the Council shall be deemed to be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Council.

14. Meetings of the Council.

- The Council shall meet at such time and place and every meeting of the Council shall be summoned by such person and in such manner as may be prescribed by regulations;Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the

Council at such time and place as he may deem expedient by letter addressed to each member.

15. Presidency at meetings of Council and procedure thereat.

(1) Every meeting of the Council shall be presided over by the President; in his absence by the Vice president; and in the absence of both the President and Vice-President by a member chosen by the members present at the meeting to preside for the occasion. (2) The President shall preserve order and shall decide all points of order at or in connection with meetings. There shall be no discussion on any point of order and the decision of the President on any point of order shall be final. (3) The Vice-President or member presiding for the occasion shall, for that meeting and during the period he presides over it, have all the powers of the President. (4) All questions at a meeting of the Council shall be decided by the votes of the majority of the members present and voting at the meeting. Five members shall form a quorum. If within half an hour from the time appointed for the meeting there is no quorum, the meeting shall stand adjourned to the same day in the following week at the same time and place and if at the adjourned meeting there is no quorum within half an hour from the time appointed for the meeting, the members present shall form a quorum. (5) At every meeting of the Council, the President shall, in addition to his vote as a member of the Council, have a second or casting vote in case of equality of votes.

16. Payment of fees and allowances.

- There shall be paid to the President and Vice- President, and the other members of the Council such fees and allowances for attendance in connection with the meeting of the Council or of any Committee thereof and such travelling allowances as shall from time to time be prescribed by rules.

17. Registrar.

(1) The Government shall after consulting the Council appoint a Registrar who shall be the Secretary to the Council. The Registrar shall receive such salary and allowances as may be prescribed by rules. The Government may grant him leave and may appoint a person to act in his place. (2) Subject to such rules as may be prescribed, the Council shall have power to punish the Registrar. Any order of the Council punishing the Registrar shall not take effect without the previous approval of the Government. (3) The Council may appoint or employ such other officers and servants as it may deem necessary for the purposes of this Act; Provided that the number and designations of such officers and servants and their salaries and allowances shall be subject to the previous approval of the Government. (4) The method of recruitment and conditions of service such as pay, allowances, promotions, leave, pension, gratuity and provident fund relating to the officers and servants appointed or employed under sub-section (3) shall be governed by the rules applicable to officers and servants of the Government of similar class. (5) All officers and servants appointed or employed under sub-section (3) shall be under the direct control and supervision of the Registrar. The powers of the Registrar to punish, dismiss, discharge and remove any such officer or servant shall be regulated by such rules as may be made by the Government in that behalf. (6) All officers and servants appointed or employed under sub-sections (1) and (3) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

18. Duties of Registrar.

(1) Subject to the provisions of this Act and subject to any general or special order of the Council, it shall be the duty of the Registrar to keep the registers. (2) There shall be separate registers for [nurses, midwives, auxiliary nurse-midwives and health visitors] [Substituted by Act 14 of 1961.]. The registers shall be in such form and shall contain such particulars as may be prescribed by rules. Each register shall be divided into two parts A and B, Part A containing the names of those 1[nurses, midwives, auxiliary nurse-midwives or health visitors] who are eligible for registration under clause (i) of sub-section (1) of section 20 and Part B containing the names of those 1[nurses, midwives, auxiliary nurse-midwives or health visitors] who are eligible for registration under clause (i) of sub-section (1) of section 20. (2a) [The Government shall cause to be prepared a separate register of dhais registered under the Madras Nurses and Midwives Act, 1926 and holding appointments or practicing in the Malabar district referred to in subsection (2) of section 5 of the States Re-organization Act, 1956 (Central Act 37 of 1956), in such form and containing such particulars as may be prescribed] [Substituted by Act 14 of 1964.]. (3) The Registrar shall keep the registers correct in accordance with the provisions of this Act and the rules and regulations made there under and shall remove from the registers the names of those registered [nurses, midwives, auxiliary nurse-midwives, health visitors and dhais] [Inserted by Act 15 of 1961.] who are dead or whose names are directed to be removed from the registers under section 23. (4) The registers shall be deemed to be public documents under section 74 of the Indian Evidence Act.

19. Default of Council.

(1) If at any time it shall appear to the Government that the Council has failed to exercise or has exceeded or abused any of the powers conferred on it by or under this Act, the Government may, if they consider 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 default, excess or abuse within such time as the Government may fix in this behalf, the 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 person and for such period as they may think fit and thereupon the funds and property of the Council shall vest in the Government for the purpose of this Act until a new Council shall have been constituted under section 3. (2) When the Government have dissolved the Council under sub-section (1) it shall take steps as soon as may be to constitute a new Council under section 3, and thereupon the property and funds referred to in sub-section (1) shall vest in the Council so constituted. Registration

20. Eligibility for Registration.

(1) Subject to the provisions of sub-sections (2) and (3) - (i) every person who has undergone such course of training and passed such examination as may be prescribed by rules for the purpose of conferring a right of registration as a [nurse, midwife, auxiliary nurse-midwife or health visitor] [Inserted by Act 15 of 1961.] under this Act; and (ii) [every person who, within the period of one year or such other longer period as may be fixed by the Government, from the date of commencement of the Nurses and Midwives (Amendment) Act, 1964 proves that he had been in regular practice as a nurse or midwife, for a period of not less than three years proceeding the first day of April, 1964,

shall be eligible for registration under this Act; [Substituted by Act 14 of 1964.] Provided that no nurse or midwife shall be registered under clause (ii) after the expiration of one year or such other longer period as may be fixed by the Government from the date on which the Nurses and Midwives (Amendment) Act, 1964, comes into force].(2) Applicants for registration under clause (ii) of sub-section (1) shall produce a certificate in the form prescribed by rules. The certificate shall be from a registered practitioner or the Tahsildar of the Taluk.(3) No person shall be eligible for registration under sub-section (1) if he is subject to any of the disqualifications mentioned in clause (a) to (d) of section 6.

21. Application for Registration.

(1) An application for registration under section 20 shall be in the prescribed form and shall be accompanied by a fee of rupees ten. [* * *] [Omitted by Act 14 of 1964](2) All applications under sub-section (1) shall be sent direct to the registrar who shall place them before the Council for its decision.(3) If the Council directs the registration of the applicant, the Registrar shall enter the name of the applicant in the appropriate register and issue to him a certificate in such form and containing such particulars as may be prescribed by rules.

22. Admission to register of persons registered in any State in India.

- Subject to such conditions and on payment of such fees as may be prescribed by rules, any person who proves to the satisfaction of the Council that he has been registered as [nurse, midwife, auxiliary nurse-midwife or health visitor] [Substituted by Act 14 of 1964] in any other State in India may be registered as a [nurse, midwife, auxiliary nurse-midwife or health visitor] [Substituted by Act 14 of 1964] under this Act.

23. Refusal of registration and removal and re-entry.

(1) Subject to such conditions as may be prescribed by rules, the Council may, after giving an opportunity to the person concerned to appear and to be heard, and after holding an inquiry in the manner prescribed by rules refuse to enter in the register the name of any person or may order the removal of the name of any person from the register.(2) The order passed under sub-section (1) shall be in writing and shall be served on the person concerned in the manner prescribed by rules.

24. Appeal from order under section 2.

- (3) Any person aggrieved by an order of the Council made under section 23 may, within three months from the date on which notice of such order is served on him, appeal to the Government against such order in such manner and subject to such conditions and on payment of such fees as may be prescribed by rules and the decision of the Government on such appeal shall be final.

25. Annual list of nurses and midwives.

(1)The Registrar shall in every year on or before the date to be fixed by the Council cause to be published in the Gazette a full or supplementary list of names of all [nurses, midwives, auxiliary nurse-midwives, health visitors and dhais] [Substituted by Act 14 of 1964] registered under this Act.(2)The Registrar shall from time to time cause to be published in the Gazette the names of such [nurses, midwives, auxiliary nurse-midwives, health visitors and dhais] [Substituted by Act 14 of 1964] which have been duly removed under any of the provisions of this Act.(3)In any proceeding it shall be presumed that every person whose name is entered in the list under sub-section (1) is a registered nurse, or [nurses, midwives, auxiliary nurse-midwives, health visitors and dhais] [Substituted by Act 14 of 1964] and that any person whose name is not so entered is not a registered nurse or [nurses, midwives, auxiliary nurse-midwives, health visitors and dhais] [Substituted by Act 14 of 1964] as the case may be:Provided that in the case of a person whose name has been entered in the Register after the publication of the list, a certified copy signed by the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under this Act. Such certificate shall be issued free of charge.

26. Institutions for training nurses and midwives.

(1)The institutions which are approved and recognized by the Council after inspection by its representative shall be competent to train nurses, midwives, ¹[auxiliary nurse-midwives and health visitors] and to send them for examination for the qualifying certificates recognized by the Council.(2)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 manner prescribed by rules.

27. Appeal against refusal to recognize institutions under Section 26.

- Any person aggrieved by the refusal of the Council to approve and recognize any institution as competent to train [nurses midwives, auxiliary nurse-midwives and health visitors] [Substituted by Act 14 of 1964] or by the order of the Council withdrawing recognition from any such institution may appeal within three months from the date of service of notice of such refusal or of the order of withdrawal to the Government against such refusal or order of such withdrawal in such manner and subject to such conditions, and on payment of such fee as may be prescribed by rules, and the decision of the Government on such appeal shall be final.

28. Supervising authority.

(1)The Government may, by notification in the Gazette,appoint for such area as may be notified local supervising authority consisting of suchmembers as may be specified in such notification to exercise general supervision over [nurses, midwives, auxiliary nurse-midwives, health visitors and dhais] [Substituted by Act 14 of 1964] within such area and to exercise and perform such other powers and duties as may be prescribed by rules.(2)The Government may, subject such conditions and

restrictions as may be prescribed by rules, appoint a chief supervising authority to exercise control over local supervising authorities.

29. Notice of commencement and continuance of practice.

(1) Every person registered under this Act as a [nurse, midwife, auxiliary nurse-midwife or health visitor] [Substituted by Act 14 of 1964] shall give previous notice to the local supervising authority of his intention to commence practise in any local area. (2) Every such [nurse, midwife, auxiliary nurse-midwife, or health visitor] [Substituted by Act 14 of 1964.] shall give notice of any change of address to the local supervising authority to whom he has notified commencement of practice under sub-section (1) and also to the Registrar. (3) [Every [nurse, midwife , auxiliary nurse-,midwife or health visitor] [Added by Act 15 of 1961.] deemed to be registered under sub-section (1) of section 10-A and every dhai entitled to practise under the provisions of this Act shall give notice of any change of address to the local supervising authority within whose Jurisdiction he is practising)]

30. Disability of unregistered person.

(1) No dispensary, hospital, infirmary, Lying-in hospital, sanatorium, surgery, nursing home or other similar institution shall employ any person as a [nurse, midwife, auxiliary nurse-midwife, health visitor or dhai] [Substituted by Act 14 of 1964.] unless such person is a [nurse, midwife, auxiliary nurse- midwives, health visitor or dhai] [Substituted by Act 14 of 1964.] registered under this Act. (2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees. (3) Who ever after having been convicted under sub-section (2) continues to contravene the provisions of sub-section (1) shall on conviction be punished for each day after the previous date of conviction during which he continues so to contravene with fine which may extend to five rupees.

31. Penalty for dishonest use of certificates.

- any person who- (a) dishonestly makes use of any certificate of registration issued under this Act to him or to any other person; (b) Procures or attempts to procure registration under 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 make or causes to be made any false representation in any matter relating to the register of certificates issued under this Act, shall be punishable with fine with fine which may extend to two hundred and fifty rupees.

32. Nurses or midwives not registered under this Act not to practise.

(1) No person other than a [nurse, midwife, auxiliary nurse-midwife, health visitor or dhai] [Substituted by Act 14 of 1964.] registered under this Act shall practice or hold himself out either directly or by implication as a practising [nurse, midwife, auxiliary nurse-midwife, health visitor or dhai] [Substituted by Act 14 of 1964.] Provided that the Government may, from time to time, by notification in the Gazette direct that this section shall not apply to any person or class of persons or

in any specified area for a specified period: Provided further that this section shall not apply to a person eligible for registration under this Act who after having filed the application for registration under this Act is awaiting the decision of the Council or of the Government in case of appeal: Provided also that this section shall not apply to a person eligible for registration under this Act, until the period prescribed for application under section 20 expires. (2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

33. Penalty or unlawful assumption of title of registered [nurse, midwife, auxiliary nurse-midwife, health visitor or dhai] [Substituted by Act 14 of 1964.].

- Any person who not being a [registered nurse, midwife, auxiliary nurse-midwife, health visitor or dhai] [Substituted by Act 14 of 1964.] takes or uses the name or title of a registered nurse, midwife, auxiliary nurse-midwife, health visitor or dhai or uses any name, title, description, prescribed uniform, badge, object or sign board, 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 midwife, auxiliary nurse-midwife, health visitor or dhai] [Substituted by Act 14 of 1964.] shall be punishable with fine which may extend to fifty rupees.

34. Penalty for instrumental manipulation by [nurse, midwife, auxiliary nurse-midwife, health visitor or dhai] [Substituted by Act 14 of 1964.].

- Any [nurse, midwife, auxiliary nurse-midwife, health visitor or dhai] [Substituted by Act 14 of 1964.] who resorts to instrumental or intra-uterine manipulations to effect delivery, shall be punishable with imprisonment which may extend to three months or with fine which may extend to one hundred rupees or with both.

34A. [Prohibition of unauthorized conferment. [Inserted by Act 14 of 1964.]

(1) save as provided in this Act or the rules or bye-laws made there under, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise the profession of a registered nurse, midwife, auxiliary nurse-midwife, health visitor or dhai. (2) Moreover contravenes the provisions of sub section (1) shall be punishable with fine which may extend to one thousand rupees and if the person so contravening is an association, every member of such association who knowingly and willfully authorizes or permits the contravention, shall be punishable with fine which may extend to five hundred rupees].

35. Power of Government to make rules.

(1) The 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, the Government may make rules - (a) With reference to all matters

expressly required or allowed by this Act to be prescribed;(b)With reference to all matters relating to the elections of Vice-President and members of the Council including election petitions and deposits to be made by candidates standing for election as members and the conditions under which such deposits may be forfeited:Provided that the deposit required shall not exceed fifty rupees;(c)as to the manner in which vacancies shall be filled under section 8.(d)as to the fees and other allowances payable to the President, Vice - President and the other members of the Council under section 16;(e)as to the salary and allowance payable to the Registrar under section 17;(f)as to the powers of the Registrar to punish the officers and servants appointed or employed under section 17;(g)as to the form of the registers and the particulars to be entered therein under section 18;(h)as to the course of training and examination entitling a person to registration and the form of certificate from registered practitioners under section 20;(i)as to the form of application for registration and the form of certificate of registration and the particulars which they shall contain;(j)as to the conditions subject to which and the fee payable for admission to register of nurses and midwives registered in any other State in India.(k)as to the causes for which, the conditions under which and the manner in which the names of [nurse, midwife, auxiliary nurse-midwife, health visitor or dhais] [Substituted by Act 14 of 1964.] may be removed or re-entered in the register under section 23 and the manner in which the order of removal or refusal shall be served on any such person.(l)as to the fee payable in respect of an appeal under section 24 or section 27 and the manner in which and the conditions subject to which such appeals shall be preferred;(m)as to the manner in which an order of withdrawal of recognition of an institution shall be served under section 26;(n)as to the application of the fees and other amounts received under this Act;(o)as to the powers to be exercised and the duties to be performed by a local supervising authority and as to the conditions and restrictions subject to which the chief supervising authority may exercise control over a local supervising authority;(p)as to the furtherance of any of the objects of the Council.(3)All rules made under this section shall be published in the Gazette.

36. Power of Council to make regulations.

(1)the Council may, with the previous sanction of the Government, make regulations not inconsistent with this Act or the rules made there under for all or any of the following matters, namely,-(a)the time and place at which the Council shall hold its meeting and the manner in which and the person by whom such meetings shall be summoned.(b)the conduct of any examinations which may be prescribed by rules as a condition of admission to the register and any matters ancillary to or connected with such examinations including the course of training which the candidates appearing for the examinations shall undergo;(c)the approval of any institution for the purpose of such training and the granting of diplomas to candidates passing the examinations;(d)all other matters which may be necessary for the purpose of carrying out the objects of this Act.(2)All regulations made under this section and duly confirmed by the Government shall be published in the Gazette.(3)The Government may by notification in the Gazette cancel any such regulations.-

37. Prosecution.

- Whenever the Council is of the opinion that the prosecution of any person for the contravention of any of the provisions of this Act is necessary, the Council may by resolution recommend to the

Government the institution of such prosecution and the Government may thereupon authorize in writing any officer to initiate such prosecution.

38. Jurisdiction of Magistrates.

(1) No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act. (2) No Court shall take cognizance of any offence under this Act except on a complaint in writing of an officer authorized by the Government in this behalf.

39. Jurisdiction of Civil Courts barred.

- No Act done in the exercise of any power conferred by or under this Act on the Government the Council or the Registrar shall be questioned in any Civil Court.

40. Nurses and Midwives registered under Act XVIII of 1121 entitled to be registered under this Act.

- All nurses and midwives to whom certificates of registration have been issued under the Travancore Nurses, Midwives and Dhais Act, 1121 (XVIII of 1121) shall be entitled to be registered under this Act without any application being made in that behalf and without payment of any fee, and the Registrar shall, as soon as may be after the commencement of this Act, register the names of such nurses and midwives in the appropriate registers.

40A. [[Inserted by A.L.O. 1956.]

[(1)] [Nurses, Midwives, auxiliary nurse-midwives and health visitors] [Substituted by Act 14 of 1964.] registered under the Madras Nurses and Midwives Act, 1926, to be deemed register as under this Act. - (i) Notwithstanding in this Act, any person - (i) registered under the Madras Nurses and Midwives Act, 1921, and holding any appointment or practising in the District of Malabar or the Kasargod Taluk immediately before the first day of November, 1956 or (ii) registered on or after the first day of November, 1956, under the said Act as applied to the District of Malabar; Shall so long as such registration continues in force be deemed to be registered under this Act. (2) [Added by Act 15 of 1961.] The Registrar shall, on application and on production of evidence, enter the names of [nurses; midwives, auxiliary nurse-midwives and health visitors] who are deemed to be registered under sub-section (1), in the appropriate register. No fee shall be charged on such application].

41. Repeal.

- [(1)] [Substituted by Act 14 of 1964.] The Travancore Nurses, Midwives and Dhais Act, 1121 (XVIII of 1121) is hereby repealed. (2) [The Madras Nurses and Midwives Act, 1926 (Madras Act III of 1926) as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganization Act, 1956, is hereby repealed] [Added by Act 15 of 1961.]