

Arunachal Pradesh Nursing Council Act, 2011

ARUNACHAL PRADESH

India

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Act 1 of 2012

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Arunachal Pradesh Nursing Council Act, 2011(Act No. 1 of 2012)Last Updated 18th February, 2020(Received the assent of the Governor on 06/1/2012 and Published in the Arunachal Pradesh E.O. Gazette No. 16, Vol-XIX, dated 20th January, 2012)An Act to provide for the establishment of a Nursing Council for the State of Arunachal Pradesh, registration of Nurses, Nursing Midwives, Lady Health Visitors, Auxiliary Nurse-cum-Midwives and Female Health workers with the Council and for matters Ancillary thereto.Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-second Year of the Republic of India as follows :

1. Short title and commencement.

(1)This Act may be called the Arunachal Pradesh Nursing Council Act, 2011.(2)It shall extend to the whole of the State of Arunachal Pradesh,(3)It shall come into force with effect from the date of their publication in the Official Gazette,

2. Definition.

- In this Act, unless the context otherwise requires :-(a)"Act" means the Arunachal Pradesh Nursing Council Act, 2011.(b)"Auxiliary Nurse-Cum-Midwives" means persons employed to perform the duties of Female Health Workers or Auxiliary Nurse-cum-Midwives in the Health Centre of the community having qualified for training in two years course of Auxiliary Nurse-cum-Midwife with basic qualification of All India Secondary School Examination (AISSE) or equivalent as constituted under this Act,(c)"Council" means the Arunachal Pradesh Nursing Council constituted under section 3 of this Act;(d)"Health Visitor" means a person employed as Lady Health Visitors after successful completion of two years Lady Health Visitors Course or Auxiliary Nurse-Cum-Midwives with Lady Health Visitor training with a minimum qualification of All India Secondary School Examination (AISSE) or equivalent. They shall be employed as Supervisors in the Main-Centre / Primary Health Centre and shall be responsible for supervision of Female Health Workers / Auxiliary Nurse-cum-Midwives of the Sub-Centre within the jurisdiction of the concerned

Main-Centre;(e)"Health workers (Female)" means a person employed to perform the duties of Female Health Worker after successful completion of one and half year training course of Health Worker with minimum qualification of Secondary School Leaving Certificate or equivalent. They shall be employed as Female Health Workers in the Sub-Centre ;(f)"Nurses" means persons (male and female) appointed to perform the duties of a Nurse who have successfully completed Nursing Course of three years or above with minimum qualification of Higher Secondary School Leaving Certificate, All India Higher Secondary Certificate Examination or equivalent. They shall be eligible for employment to various nursing posts ;(g)"Nurse-Midwife" means a person appointed to perform the duties of a Nurse-Midwife who has successfully completed another six months duration of Midwifery course after successful completion of the prescribed Nursing Course. They shall be eligible for employment as Staff Nurse;(h)"Official Gazette" means the Arunachal Pradesh Gazette;(i)"Prescribed" means prescribed by rules or regulations made under this Act.(j)"President" means the president of the Nursing Council;(k)"Register" means a Register of Nurses, Nurse-Midwives, Lady Health Visitor, Auxiliary Nurse-cum-Midwives and Health Workers (Female) maintained under section 13 of this Act, and the words 'registered' and 'registration' shall be construed accordingly.(l)"Registrar" means the regulations made by the Council under this Act.(m)"Regulations" means the regulations made by the Council under this Act.(n)"Rules" means the rules made by the State Government under this Act.(o)"Section" means a section of the Act; and(p)"State Government" means the Government of Arunachal Pradesh.

3. Establishment of the Council.

- The State Government may, by notification in the Official Gazette, establish a Council to be called the Arunachal Pradesh Nursing Council, for the purpose of carrying out the provisions of this Act. Such Council shall be a body incorporated and have perpetual succession and a Common Seal, with power to acquire property, both movable and immovable and shall, by the said name, sue and be sued.

4. Constitution and composition of Council.

(1)The State Government of Arunachal Pradesh shall constitute the Council consisting of the following members, namely:(a)Principal Tutor of each School of Nursing, Government of Arunachal Pradesh and other Private/ Non Government Organization (NGO) institutions, e.g. Ram Krishna Mission Hospital, Itanagar.(b)Principal Tutor of Auxiliary Nurse-cum-Midwife Training Centre, Health Training and Research Centre Pasighat or equivalent.(c)One Nursing Superintendent from General Hospitals and one Nursing officer from Referral Hospital nominated by the Director of Health Services(d)Deputy Director of Health Services, Health Training and Research Centre Pasighat or equivalent(e)Registrar, the Rajiv Gandhi University or his nominee.(f)Registrar of each Arunachal Pradesh Homeopathy Council and Arunachal Pradesh Medical Council.(g)Secretary, Education, Government of Arunachal Pradesh or his nominee.(h)One member nominated by the Trained Nurses Association of India, Arunachal Pradesh branch.(i)One Nursing Superintendent from private institution or equivalent(j)Deputy Director of Health Services (Nursing) or Nursing Officer of Nursing Ceil, ex-Officio and first Secretary cum Registrar for two years only.(k)Director of Health Services, ex-Officio.(2)The name of every member nominated under sub-section (1) shall be

published by the Government in the Arunachal Pradesh Official Gazette.(3)No Act of the Council shall be questioned merely on the ground of the existence of any vacancy of membership in the Council.

5. Election and term of the office President and Vice-President.

(1)President and Vice-President : - At its first meeting, the Council shall proceed to elect the President and Vice-President from amongst the Members thereof.The members present shall elect from amongst themselves a Chairperson for conducting the proceedings till the election of the President is held. Names shall be proposed and seconded by members at the meeting. Votes shall be taken by ballot, each member present having one vote for the election of the President and another one vote for the election of the Vice-President. In case of a tie, the chairperson shall have the right of casting vote.(2)When any vacancy arises in the office of the President or the Vice-President, the Council shall elect the President or the Vice-President as the case may be, at the first meeting, called after such vacancy.(3)The term of the President and the Vice-President shall be two years. The same person shall not be eligible to hold the office of the President for more than two consecutive terms.

6. Term of office and casual vacancies.

(1)Subject to the provisions of sections 7 and 8 and the rules made under this Act, the term of the nominated member shall be of three years.(2)A nominated member shall be eligible for re-nomination as the case may be, after the expiry of his or her term of Office.(3)The powers of the Council shall be exercised notwithstanding any vacancies in the number or its members fixed under section 4.

7. Filling up of casual vacancies.

- If the President or the Vice-President or any member dies or resigns his or her membership or ceased to be a member as provided in section 8, the vacancies shall be filled by fresh nomination in the case of member as provided by section 4 or by holding election in the case of the President or the Vice-President as provided in sub-section (1) of section 5, as the case may be Provided that any person nominated or selected to fill a casual vacancy shall hold office only so long as the member in whose place the nomination or election is made would have held office.

8. Cessation of membership.

- A nominated or elected member of the Council shall be deemed to have vacated his or her seat, if:(a)He or She is absent without sufficient ground in the opinion of the Council for three consecutive meetings of the Council; and(b)He or She is absent out of India for a period exceeding six months.

9. Leave of absence of members.

- The Council may grant leave to any member to absent himself or herself from the meetings of the Council for period not exceeding six months.

10. Meeting of the Council and Constitution of Committee.

(1)The Council shall meet, ordinarily, at least once in every six months for the transaction of its business, but the President may, whenever he or she thinks fit shall upon a written requisition of not less than seven members and on a date not later than 21 days after the receipt of such requisition call an extra ordinary meeting. Whenever it appears unnecessary to the President to convene a meeting, he or she may instead of convening a meeting, circulate a written proposition with the reason for such proposition for the observation and vote of the members of the Council.(2)The Council shall be empowered to regulate ;(a)the mode of transaction of business including provisions for decision on emergent matters by circulation of papers to members, and for co-opting persons specially qualified to advise on any particular matters before the Council;(b)the time and place at which its meeting shall be held ;(c)the issue of notices convening such meetings;(d)the conduct of business there-at;(e)the constitution of the sub-committees, the delegation to such committees, of any powers or duties of the Council under this Act;(f)the procedure of the transaction of business shall not be transacted at any meeting of the Council, unless a quorum of six members are present, and(g)all questions arising at any meeting of the Council shall be decided by votes of majority of the members present and voting or in any case of an equality of vote by casting votes of the President to the Council, or in his or her absence, of the member presiding at the meeting.(3)until such time as the regulations referred to in sub-section (1) of section 35 have come into operation, it shall be lawful for the President of the Council to summon a meeting at such time and place, as appear expedient, by letter addressed to each member.

11. Payment of fees and travelling expenses to members.

- In accordance with the rules made in this regard, there shall be paid to the members of the Council such fees or travelling expenses for attendance at the meeting of the Council or for inspecting institutions from time to time as may be allowed by the Council.

12. Appointment of Registrar and other officers of the Council.

(1)With the previous approval of the State Government the Council:(a)shall appoint the Registrar,(b)may grant leave to such Registrar and appoint a person to act as such in his place ; and(c)shall pay to the Registrar and to the person, if any, appointed to act in his place, such salaries or remuneration and such allowances, if any, as the Council may determine.(2)The Council may appoint such other Officers, Clerks and other Servants as it may consider necessary for the purpose of this Act, and shall pay them such salary or remuneration and such allowances, if any, as the Council may determine.(3)The State Council shall receive 100% financial grant in-aid from the State Government to meet its expenses on pay and allowances and other service benefit of its Registrar

and other employees and also for meeting the accommodation, stationery, equipment, travelling/dearness allowances and other allowances expenses, but the State Council's account shall be audited annually through the State Government authorities.(4)The Registrar shall act as treasurer to the Council.

13. Maintenance of Registers.

- The Council shall maintain a Register of(a)Nurses;(b)Nurse Midwives;(c)Lady Health Visitors ;(d)Female Health Workers or Auxiliary Nurse-cum-Midwife in such forms containing such particulars and divided into such parts as may be prescribed.

14. Maintenance of Registers by the Registrar.

(1)The Registrar shall maintain the registers in accordance with the provisions of this Act and in accordance with any orders made by the Council and shall from time to time update and make all necessary alterations in the registered address or appointments and in the classifications of the registered Nurses, Nurse Midwife, Lady Health Visitors, Female Health Workers or Auxiliary Nurse-cum-Midwives and erase the name of any such Nurse, Nurse-Midwife, Lady Health Visitors, Female Health Workers or Auxiliary Nurse-cum-Midwife who is dead or has ceased to practice.(2)To enable the Registrar to fulfill the duties imposed upon him/her by sub-section (1) he or she may send notice to any person registered according to his or her registered address or appointment as has been changed, and if no reply to any such notice is received within a period of six months from the date of its dispatch, the Registrar may erase the name of such person from the Register in which it is entered Provided that any name erased under sub-section (2) may be re-entered in the Register under the direction of the Council.(3)The candidate applying for registration should enclosed two copies of passport size photographs with uniform in his or her application duly countersigned by the Head of the Institution from where he or she was trained. One copy of photograph will be affixed on the certificate and other copy in the register itself. In case of applying for duplicate copy of the Certificate, the applicant will have to send his or her photographs again, with out which no duplicate copy will be issued.

15. Removal of names from the Registers on notice death.

- On receipt of the Death Certificate from prescribed authority, the Council shall remove the name of the deceased person from the Register in which his or her name is entered

16. Removal of fraudulent and incorrect entries, in the Registers.

- if the Council is satisfied that any entry in the Register has been fraudulently or incorrectly made, the same may be erased under the order of the Council.

17. Persons entitled for registration under the this Act.

(a) Nurses, (b) Nurse Midwives, (c) Lady Health Visitors (d) Health Workers (Female) and Auxiliary Nurse-cum- Midwives who have undergone the course of training as prescribed by the Indian Nursing Council from the recognized training Institutions, and passed the examination and fulfilled such further conditions as may be prescribed.

18. Admission to register of persons trained outside Arunachal Pradesh.

- On receipt of an application in the prescribed form and on payment of such fee, not being less than the fee payable on ordinary application for registration under this Act as the Council may determine, any person shall be entitled to be registered under this Act. provided to the satisfaction of the Council that he or she has been registered either as Nurse, Nurse-Midwife, Lady Health Visitor, Female Health Worker or Auxiliary Nurse-cum-Midwife in any State outside Arunachal Pradesh in respect of which the Council is satisfied, that the standard of training and examination required for admission to the Register of Nurses, Nurse-Midwives, Lady Health Visitors, Female Health Workers or Auxiliary Nurse-cum-Midwives established under the said Act or provision is not lower than the standard of the training and examination required under this Act.

19. Bar and removal of Registration and re-entry of name.

(1) The Council may by order bar, suspend or remove the registration of a Nurse, Nurse-Midwife, Lady Health Visitor, Female Health Worker or Auxiliary Nurse-cum-Midwife on any of the following grounds (a) that he or she has been sentenced by any Court of law for any non-bailable offence, or sentence not having been subsequently reserved or quashed; (b) that he or she has been convicted by a Court of law for any offence involving moral turpitude; (c) that he or she has been guilty of professional misconduct, professional incompetence, negligence of duty, or lack of integrity or professional ethics; or (d) provided that no action shall be taken on the grounds referred to clauses (b) and (c) above of this section unless an enquiry in which an opportunity has been given to the person concerned to state his or her case, has been made and the Council by a majority of two-thirds of the members present and voting decides that such action should be taken. (e) that any name so removed may afterwards be re-entered in the Register and any order of refusal of registration passed under sub-section (1) may be withdrawn under the direction of the Council given by majority of two-thirds of the members present and voting at the meeting.

20. Registration under this Act not to qualify as Medical practitioner.

- The registration under this Act shall not confer upon any person the right to assume any title, name or designation implying that he or she is by law, recognized as a Medical Practitioner, or that he or she is authorized to grant any Medical Certificate.

21. Institution for training Nurses, Nurse Mid-wives/Lady Health visitors, Auxiliary Nurse-cum-Midwives/ Female Health Workers to be recognized by the council.

(1)The Institution which are approved and recognized by the Council after inspection by its President or any member appointed by the President shall be competent to train Nurses, Nurse Midwives, Lady Health Visitors, Female Health Workers or Auxiliary Nurse-cum-Midwives, and to send them for examination for the qualifying certificate of the Council.(2)All the recognized institutions shall be inspected by the resident of the Council or any member appointed by the President at least once in two years

22. Power to inspect Hospital, Nursing Training institutions etc.

- The Council may authorize the Registrar or any member to inspect any Hospital, Health Institution, Nursing Home or School of Nursing to ascertain that the persons working therein as Nurse are registered with the Council and, in the case of a School of Nursing, Auxiliary Nurse-cum-Midwife Training Centre etc., that it conforms to the standards prescribed and the Registrar may call for records and other information from the authority concerned and such authority shall supply all true and correct information in its possession.

23. Withdrawal of recognition from institution and any School of Nursing.

(1)Whenever the Council on receipt of an adverse report, is of opinion that an enquiry, should be made as to the desirability of withdrawing recognition from a particular institution, it shall depute its President and a member for further inspection on such terms as it thinks fit and at the same time call upon the Institution to show cause as to why its recognition should not be withdrawn. The Council, after consideration of the report so received and of the explanation, if any, by the Institution, may withdraw the recognition. The order of such withdrawal shall be in writing and served in the prescribed manner(2)The Council may, for reason to be recorded in writing, de-recognized a School of Nursing or similar institution if it is of the opinion that the training standards in the school has fallen short of the requirement, or that it is otherwise no longer desirable to recognize it in public interest.

24. Appeal.

- Any person or Institution aggrieved by an order of the Council under section 19 or section 23 may appeal to the Government within thirty days from the date of such order and the decision of the Government on the appeal shall be final.

25. Prohibition of issue of Certificate and entry of names by any Institution.

- No Hospital, School, other similar Institution which has not been approved or recognized under sub-section (1) of section 21 shall issue to any person a Certificate or enter the name of any person

on a list of register or other documents purporting to show that such person is qualified by having passed any examination or undergone any course of training to practice as Nurse, Nurse-Midwife, Lady Health Visitor, Female Health Worker or Auxiliary Nurse-cum-Midwife unless such person has been registered under this Act.

26. Supervision by District Medical Officer and Health Officer.

- The District Medical Officer and Health Officer of the District or such other person as may be appointed by the Council shall in consultation with the local authorities and subject to prescribed conditions and restrictions, exercise general supervision over all category of Nurses, Nurse Midwives, Lady Health Visitors, Female Health Workers or Auxiliary Nurse- cum-Midwives within the district and exercise and perform such other powers and duties as may be prescribed.

27. Disability of un-registered person.

- After the expiration of seven years from the commencement of this Act, no Government or private Health Institution, Hospital, Dispensary, infirmary or lying-in Hospital shall employ any category of Nurse, Nurse-Midwives, Lady Health Visitor, Female Health Workers or Auxiliary Nurse-cum-Midwives, unless he or she is registered under this Act.

28. Penalty for un-registered person.

- Any person who practices or allows a person to practice as a Nurse, Nurse-Midwife, Lady Health Visitor, Female Health Worker or Auxiliary Nurse-cum-Midwife in contravention of section 27 shall be punished with a fine which may extend up to rupees two thousand and up to rupees two hundred for each day the offence continues after conviction.

29. Penalty for dishonest use of Certificate.

- Any person who : (a) Dishonestly makes use of any Certificate of registration issued under the provisions of this Act to him or her or any other person ; or (b) Procures or attempt to procure registration under provisions of this Act by making or producing causing to be made or produced any false or fraudulent declaration, or ' certificate or representation whether in writing or otherwise; or (c) Willfully makes or causes to make any false representation in any matter relating to the registration of Certificates issued under the provisions of this Act; or (d) Being the Secretary, Manager or other Officer of a Hospital, School or other Institution issues or authorizes the issue of a certificate to any person or enters, or authorizes entry of the name of such person in contravention of section 25 shall be punished with a fine which may extend to two thousand rupees or with imprisonment for a term which may extend to six months or with both.

30. Penalty for un-lawful assumption of a title.

- Any person who not being a Nurse, Nurse-Midwife, Lady Health Visitor, Female Health Worker or Auxiliary Nurse-cum-Midwife registered under this Act, assumes or uses the name or title of Registered Nurse, Nurse- Midwife, Lady Health Visitor, Female Health Worker or Auxiliary Nurse-cum-Midwives or uses any name, title, addition, description or signboard implying that such person is a Registered Nurse, Nurse-Midwives, Lady Health Visitor, Female Health Worker or Auxiliary Nurse-cum-Midwife as the case may be, shall be punished, with fine which may extend to two thousand rupees or with imprisonment for a term which may extend to six months or with both.

31. Publication and use of Annual list of registered Nurses, Nurse- Midwives, Lady Health Visitors, Female Health Workers/ Auxiliary Nurse-cum-Midwives.

(1)The Registrar shall, in every five years, on or before a date to be fixed in this behalf by the Council cause to be printed and published correct list of the names for the time being entered in several parts of the Registers of Registered Nurses, Nurse-Midwives, Lady Health Visitors, Female Health Workers or Auxiliary Nurse-cum-Midwives, setting forth(a)all the names entered in several parts of the respective Registers arranged in alphabetical order according to surnames;(b)the registered address or appointment of each person whose name is so entered in the registers; 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 such list 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 printed lists, has a certified copy, signed by the Registrar of the entry of the name of such person in a Register of Nurses, Nurse-Midwives, Lady Health Visitors, Female Health Workers or Auxiliary Nurse-cum-Midwives shall be 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 on the printed Register of Nurses, Nurse- Midwives, Lady Health Visitors, Female Health Workers or Auxiliary Nurse-cum-Midwives, as the case may be, has been removed from such Register specifying the date of such removal be evidence that such person is not registered under this Act and of the date from which he or she ceased to be so registered.

32. Court competent to try offences under this Act.

- No Court of law lower than of a Magistrate of First Class shall try any offences under this Act.

33. Cognizance of offence.

- No Magistrate shall take cognizance of any offence punishable under this Act except upon complaint made by the Council.

34. Power to make rules.

(1)The State Government may by notification in the Official Gazette make rules to carry out all or any of the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely:(a)Prescription of the period of less than 3 years for which a member of the Council may hold office under section 6 ;(b)Prescription of the manner in which nomination and election of President and Vice-President shall be made and casual vacancies shall be filled under sections 5 and 7 ;(c)Prescription of the form in which a Register shall be kept, the particulars to be entered in such Register, and the parts in which such Register shall be divided under section 13.:(d)Prescription of the manner in which an order of removal or refusal shall be served on persons under section 19 ;(e)Prescription of the fees payable in respect of an appeal under section 24; and(f)Any matter which is to be or may be prescribed.

35. Power of the Council to make regulations.

(1)The Council may make regulations not inconsistent with this Act or the rules made thereunder;(a)regulating the compilation, maintenance and publication of the Register and the conditions of admission to the Register;(b)prescribing the fees payable on application for registration, the forms in which such applications shall be made and the conditions subject to which names shall be entered in the Register;(c)prescribing and regulating the examination which must be passed as a condition of matter ancillary to or connected with such examination, including the courses of training which the candidates appearing for examination shall undergo;(d)prescribing the cause for which, the conditions under which and the manner in which the names of Nurses, Nurse-Midwives, Lady Health Visitors, Auxiliary Nurse-Cum-Midwives or Female Health Workers, may be removed or re-entered in the Register under section 19.(e)for the approval of any institution for the purpose of such training and the granting of certificates to candidates passing examination;(f)regulating the conditions under which Institutions for nursing the sick, maternity and child welfare may be approved and recognized by the Council;(g)appointing a Registrar and such other servants as may be necessary;(h)regulating the pay, pension, conduct and other conditions of services of persons;(i)regulating and supervising the practice of their profession by the registered Nurses, Nurse-Midwives, Lady Health visitors, Auxiliary Nurse cum midwives or Female Health workers;(j)regulating the publication of the names registered under Nurses, Nurse-Midwives, Lady Health Visitors Auxiliary Nurse-cum-Midwives and Female Health Workers, and their residences;(k)regulating the condition under which such Nurses. Nurse- Midwives, Lady Health Visitors, Auxiliary Nurse-cum-Midwives and Female Health Workers registered in other States in India or in any Countries other than India may be admitted to the Register, on such other State and Countries granting reciprocal registration to persons registered on the Register of the Council;(l)determining the manner in which all fees levied under this Act and money received by the Council shall be accounted for, audited and applied for the purpose of this Act, and for regulating the expenditure of the Council generally; and(m)generally for the provision of any matter? in respect of which the Council considers necessary provision shall be made for the purpose of this Act;(n)all the regulations made under this section shall be published in the Official Gazette after approval by the State Government;(o)for the conduct, practice and professional ethics for the Nurses,

Nurse-Midwives, Lady Health Visitors, Auxiliary Nurse-cum-Midwives or Female Health Workers; and (p) any other matter which is required to be prescribed by regulations; for purposes of this.

36. Protection of persons acting on good faith under the Act rules or regulations.

- No suit or other legal proceedings shall be instituted against any person for anything done or intended to be done in good faith under this Act, rules or regulations made there-under.

37. Certain persons to be public servants.

- Every person appointed under sub-section (1) and (2) of section 12 shall be deemed to be a public servant within the meaning of section 21 of the Indian penal code, 1860 (45 of 1960).

38. Repeal and saving.

(1) The Assam Nurses, Nurse-Midwives and Health Visitors Registration Act, 1944, in so far as it applies in Arunachal Pradesh is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall be deemed to have been done or taken, under the provisions of this Act.