

United Provinces Nurses, Midwives, Assistant Midwives Auxiliary Nurse-Midwives and Health Visitors Registration Act, 1934

UTTAR PRADESH

India

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Act 15 of 1934

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United Provinces Nurses, Midwives, Assistant Midwives Auxiliary Nurse-Midwives and Health Visitors Registration Act, 1934(U.P. Act No. 15 of 1934)Last Updated 4th March, 2020For S. O. R. see Gas, Extra. d. Dec. 9. 1933, p. 12.An Act to provide for the registration of Nurses, Midwives, Assistant Midwives [Auxiliary Nurse-Midwives and Health Visitors] [Substituted by section 2 of U. P. Act XIV of 1960.] in the United Provinces of Agra and Oudh.Whereas it is expedient to provide for the registration of nurses, midwives, assistant midwives, [auxiliary nurse-midwives and health visitors] [Substituted by section 2 of U. P. Act XIV of 1960.] in the United Provinces;And whereas the previous sanction of the Governor-General under section 80-A (3) (f) of the Government of India Act has been obtained to the passing of this Act;It is hereby enacted as follows : -

1. Short title, extent and commencement.

(1)This Act may be called the United Provinces Nurses, Midwives, Assistant Midwives, [Auxiliary Nurse-Midwives and Health Visitors] [Substituted by section 2 of U. P. Act XIV of 1960.] Registration Act, 1934.(2)It extends to the whole of [Uttar Pradesh] [Substituted by the A. O. 1950 for (the United Provinces). The words (of Agra and Oudh) omit. by of U. P. Act XIV of 1960.](3)It shall come into force on such date as the [State Government] [The Act came in to force on Jan. 1. 1937.] may, by notification in the [Official Gazette] [Substituted by the A. O. 1950 for Provincial Government.] direct.

2. Definitions.

- In this Act, unless there is something repugnant in the subject or context-(a)"the Council" means the Council under section 3 of this Act;(b)"notification" means a notification published in the Official Gazette ;(c)"prescribed" means prescribed by the rules and regulations made under this Act;(d)"registered medical practitioner" means a person registered under the United Provinces Medical Act, 1917;(e)"the Registrar" means a person appointed under section 16 (1) (a) or (b) to perform the duties of the Registrar under this Act;(f)"registers" means the registers maintained under section 17 of this Act;(g)subject to the provisions of section 2 (d) "registered" means registered under the provisions of this Act, and "unregistered" means not registered under the provisions of this Act;(h)"nurse" means a person who holds a certificate in nursing from any institution notified by the [State Government] [Substituted by A. O. 1950 (Provincial Government).] in this behalf or who has been registered under clause (b) of section 23 and shall include a male nurse ;(i)"midwife" means a person who holds a diploma in midwifery from any institution recognized by the Council in this behalf, or who has been registered under clause (b) of section 23 ;(j)"assistant midwife" means a person who holds a diploma as an assistant midwife from any institution recognized by the Council in this behalf or who has been registered under clause (b) of section 23 ; [***] [The word 'and' delete by s, 5(i) of U. P. Act XIV of 1960.](k)"health visitor" means a person who holds a health visitor's certificate of [Uttar Pradesh]5 Health School or of any other institution notified by the [State Government] [Substituted by A. O. 1950 (Provincial Government).] in this behalf, [and] [Added by section 5 (ii) of U. P. Act XIV of 1960.](l) "auxiliary nurse-midwife" means a person who holds a certificate in auxiliary nurse-midwifery from any institution recognized by the Council in this behalf.] [Added by section 5 (iii) of U. P. Act XIV of 1960.]

3. Establishment and incorporation of the Council.

- A Council shall be established and called "the United Provinces Nurses and Midwives Council" and such Council shall be a body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

4. Constitution of the Council.

(1)The Council shall consist of [the following members] [Substituted by section 2 (1) of U.P. Act XXXV of 1952 for the figure and the word (24 members.)] namely :-(a)[As ex-officio members - [Substituted by section 2(2) of U. P. Act XXXV or 1952.](i)the Director of Medical and Health Services, Uttar Pradesh;(ii)the Additional Director of Medical and Health Services Uttar Pradesh;(iii)the Deputy Director of Medical and Health Services (Women), Uttar Pradesh;(iv)the Assistant Director of Medical and Health Services (Maternity and Child Welfare Section), Uttar Pradesh;(v)the Superintendent of Nursing Services, Uttar Pradesh, Lucknow ;(vi)the Superintendent, Silver Jubilee Health School, Lucknow; and(vii)the Superintendent, Kamla Nehru Hospital, Allahabad.](b)[Elected Members - [Substituted by section 2 of U. P. Act XVI of 1948.](i)One non-official registered medical practitioner to be elected by the Governing Body of the State Medical Faculty, [Uttar Pradesh] from among its own members;(ii)Two members of [Uttar Pradesh] [Substituted by the A. O. 1950 for (United Provinces.)] Legislative Assembly elected by the

members of that Assembly of whom one at least should be a woman ;(iii)One member of [Uttar Pradesh] [Substituted by the A. O. 1950 for (United Provinces.)] Legislative Council elected by the members of that Council ;(iv)Four registered nurses to be elected by the registered nurses;(v)Two representatives of the registered, [auxiliary nurse midwives, midwives and assistant' midwives] [Substituted for and assistant midwives' by Section 6 of U. P. Act XIV of 1960.] to be elected jointly by them;(vi)One registered Health Visitor elected by the registered Health Visitors.(c)Nominated members -(i)Four members to be nominated by the [State Government] [Substituted by the A. O. 1950 for (Provincial Government).] from among Nursing Superintendents, Matrons and Sister Tutors employed in State or State-aided hospitals in [Uttar Pradesh] [Substituted by the A. O. 1950 for (United Provinces.)] ;(ii)One member to be nominated by the [State Government] [Substituted by the A. O. 1950 for (United Provinces.)] from among Medical Superintendents belonging to a training institution;(iii)One midwife to be nominated by the [State Government] [Substituted by the A. O. 1950 for (Provincial Government).] who should be an employee of a Government or State aided hospital;(iv)A registered nurse resident in [Uttar Pradesh] [Substituted by the A. O. 1950 for (United Provinces.)] nominated by [Uttar Pradesh] [Substituted by the A. O. 1950 for (United Provinces.)] Branch of the Trained Nurses Association of India.](2)[The Director of Medical and Health Services, Uttar Pradesh and the Additional Director of Medical and Health Services, Uttar Pradesh shall be the ex-officio President and Vice-president respectively of the Council.] [Substituted by section 2(2) of U. P. Act No. XXXV of 1952.](3)If an ex-officio member refuses to act Or resigns or is deemed to have vacated his seat or is disqualified from membership the [State Government] [Substituted for U. P. Govt. Gazette by the A.O. 1937.] shall, notwithstanding the provisions of sub-section (1) of this section, nominate some other person to the Council in his place.

5. Nomination of members in default of election.

- If any electoral body referred to in section 4 does not, in the case of a casual vacancy referred to in section 9 within three months and in any other case by such date as may be prescribed, elect a qualified person to be a member of the Council, the [State Government] [Substituted by the A. O. 1950 for Provincial Government.] shall nominate a member, and the person so nominated shall be deemed to be a member of the Council as if duly elected by such body.

6. Publication of names of members.

- The name of every person elected or nominated a member of the Council shall be published by the [State Government] [Substituted by the A. O. 1950 for (Provincial Government).] in the [Official Gazette]. [Substituted for U. P. Govt. Gazette by the A.O. 1937.]

7. Leave of absence to members.

- The Council may permit any member to be absent from meeting of the Council for a period not exceeding six months.

8. Casual vacancy.

(1) A member of Council shall be deemed to have vacated his seat - (a) if absent, otherwise than for a reason considered adequate by the Council, from three consecutive meetings of the Council; (b) if out of India for a period exceeding Six consecutive months; or (c) if he becomes subject to any of the disabilities set forth in section II; or (d) if, having been elected under section 4 (1) (b) he ceases to be registered medical practitioner or his name is removed from the registers as the case may be; [or] [Added by section 3(a) of U. P. Act No. XXXV of 1952.] (e) [If being a nominated member he ceases to belong to the appropriate categories referred to in sub-section (1) of section (4).] [Inserted by section 3 (b) of U. P. Act No. XXXV of 1952.] (2) On the occurrence of any vacancy referred to in sub-section (1), the President shall forthwith report the fact of such vacancy to the [State Government]. [Substituted by the A. O. 1950 for Provincial Government.]

9. Filling casual vacancies.

- [If any member of the Council, whether elected or nominated, under sub-section (1) of section 4 dies or resigns his membership or ceases to be a member under the provisions of sub-section (1) of section 8, the vacancy shall be filled within three months by a fresh election or nomination, as the case may be, in accordance with the provisions of sub-section (1) of section 4 and in default of election, by nomination in accordance with the provisions of section 5.] [Added by section 3 (a) of U. P. Act XXXV of 1952.]

10. Term of office of members.

(1) The term of office of members of the Council other than ex-officio members, shall be three years from the date of election or nomination : Provided that the term of office of a member elected or nominated under section 9 shall be the residue of the term of office of the member in whose place he was elected or nominated : [Provided further that where a member elected under sub-clause (ii) or (iii) of clause (b) of sub-section (1) of section (4) ceases to be a member of the Uttar Pradesh Legislative Assembly or the Uttar Pradesh Legislative Council, as the case may be, he shall cease to be a member of the Council.] [Added by section 2 of U. P. Act XXV of 1954.] (2) An outgoing member, if not disqualified under section 11, shall be eligible for re-election or re nomination.

11. Disqualification for membership.

- A person shall be disqualified for being a member of the Council if such person - (a) has been sentenced by a criminal court to imprisonment for an 'offence punishable with imprisonment for a term exceeding three months or to transportation, such sentence not having subsequently been reversed or remitted or the offender pardoned, and such persons disqualification on account of such sentence not having been remitted by an order which the [State Government] [Substituted by the A, O, 1950 for 'Provincial Govt.] is hereby empowered to make, if it thinks fit, in this behalf; (b) is an undischarged insolvent; or (c) has been adjudged by a competent court to be of unsound mind.

12. Quorum and voting.

(1) No business shall be transacted at a meeting of the Council unless a quorum of eight members be present. (2) Save as otherwise provided in section 21(1), all questions arising at a meeting of the Council shall be decided by the votes of the majority of the members present and voting or in the case of an equality of votes by the second or casting vote of the President of the council or in his absence, of the member presiding at the meeting.

13. Validity of acts and proceedings.

- No act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

14. Meeting of the Council and constitution of committees.

(1) The Council shall, subject to the provisions of this Act and of any rules made by the [State Government] [Substituted by A. O. 1950 for Provincial Government.] under this Act, make regulations in respect of—(a) the mode of transaction of business including provision for decisions on emergent matters by circulation of papers to members, and for co-opting persons specially qualified to advise on any particular matter before the Council ; (b) the times and places at which its meetings shall be held; (c) the conduct of business thereat; and (d) the constitution of committees the delegation to such committees of any powers or duties of the Council under this Act, and the quorums and procedure of such committees in the transaction of their business. (2) Until such time as the regulations referred to in sub-section (1) have been made it shall be lawful for the President of the Council to summon a meeting of the Council at such time and place as he thinks fit, by letter addressed to each member of the Council.

15. Payment of expenses to Members.

- There shall be paid to the members of the Council and Committees such travelling and other expenses as may from time to time be prescribed by regulations under section 33 (3) (d).

16. Appointment of Registrar and other officers.

(1) With the previous sanction of the [State Government] [Substituted by A. O. 1950 for Provincial Government.] the Council—(a) shall appoint a Registrar; (b) may grant leave to such Registrar and appoint a person to act in, his place ; and (c) shall pay to the Registrar and to the person, if any, appointed to act in his place such salary and allowances (if any) as the Council may determine. (2) The Council may appoint such other officers and such clerks and servants as it may consider necessary for the purpose of this Act, and shall pay them such salaries and such allowances (if any) as with the previous sanction of the [State Government] [Substituted by A. O. 1950 for Provincial Government.] the Council may determine. (3) The Registrar shall act as Secretary and Treasurer to the Council.

17. Orders by Council for maintenance of registers.

(1)The Council shall, as soon as conveniently may be after this Act comes into force, and from time to time as occasion may require, make orders for regulating the formation, maintenance and publication of registers of nurses, midwives, assistant midwives, [auxiliary nurse-midwives and health visitors] [Substituted by section 7 of U.P. Act No. 14 of 1960.] according to their respective qualifications.(2)The said registers shall be kept in such form or forms as may be prescribed.

18. Registrar's functions in respect of registers.

(1)The Registrar shall keep the registers mentioned in section 17 in accordance with the provisions of this Act and of any orders made by the Council, and shall from time to time make all the necessary alterations in the registered addresses or appointments of such nurses, midwives, assistant midwives, [auxiliary nurse-midwives and health visitors] [Substituted by section 8 (1)(a) and 8(1)(b) of U.P. Act No. 14 of 1960.], and erase the names of any registered nurses, midwives, assistant midwives [auxiliary nurse-midwives or health visitors] [Substituted by section 8 (1)(a) and 8(1)(b) of U.P. Act No. 14 of 1960.] who may have died or ceased to live and practise in India.(2)To enable the Registrar to fulfil the duties imposed upon him by sub-section (1) he may send through the post a letter to any person registered as-a nurse, midwife, assistant midwife, [an auxiliary, nurse-midwife or health visitor] [Substituted by section 8(2) of U.P. Act No. 14 of 1960.] addressed according to the registered address or appointment of such person to enquire whether he has ceased to practise or whether his appointment has been changed; and, if no answer is received to any such letter within period of six months from 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 this sub-section may be re-entered in the register under the direction of the Council.

19. Erasure of names from registers on notice of death.

(1)Every Registrar of Deaths who receives notice of the death of any person whose name' he knows to be entered in one of the registers of nurses, midwives, assistant midwives, [auxiliary nurse-midwives and health visitors] [Substituted by section 9 and section 10 of U.P. Act No. 14 of 1960.] shall forthwith transmit by post to the Registrar a certificate of such death signed by him and stating particulars of the time and place of death.(2)One receipt of such certificate or any other reliable information regarding such death, the Registrar shall erase the name of the deceased person from the register in which it is entered.

20. Removal of fraudulent and incorrect entries from registers.

- Any entry in the registers of nurses, midwives, assistant midwives, [auxiliary nurse-midwives or health visitors] [Substituted by section 9 and section 10 of U.P. Act No. 14 of 1960.] which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be removed under the written order of the Council :Provided that before action is taken under this section; notice shall be given to the person concerned, whose objections, if any, shall be heard and

considered.

21. Power of Council to prohibit entry in or to direct removal from the registers etc..

(1)The Council may, upon reference from the Registrar or otherwise, prohibit the entry in, or direct the removal from, the registers of nurses, midwives, assistant midwives [auxiliary nurse-midwives or health visitors] [Substituted by section 11(i) of U. P. Act XIV of 1960.] of the name of any nurse, midwife, assistant midwife, [auxiliary nurse-midwife or health visitor] [Substituted by section 11(2) of U. P. Act XIV of 1960.] for suspend, such person's registration on any of the following grounds; namely -(a)that such person has been convicted by any court of any non-bailable offence, such conviction not having been subsequently set aside or the offender pardoned ;(b)that such person has been guilty of conduct which in the opinion of the Council indicates that she is not a fit or proper person to practise as a nurse, midwife, assistant midwife [auxiliary nurse midwife or health visitor] [Substituted by section 11(2) of U. P. Act XIV of 1960.];(c)that there are defects in the character of such person which in the opinion of the Council would render the entry in, or the retention of , the name of such person in the registers undesirable :Provided that no action shall be taken by the Council under this section until after due enquiry (at which an opportunity shall be given to the person concerned to be heard in defence and to appear, either in person or by counsel, vakil, pleader or attorney, and which may, in the discretion of the President of the Council be held in camera) the council by a majority of two thirds of the members present and voting at the meeting of the Council, shall find that there is ground for taking action against the person concerned.(2)The Council may direct that the name of any person against whom an order has been passed under sub-section (1) shall be entered or re-entered or continue to be entered in the registers as the case maybe.

22. Appeal against order of the Council.

- Any person aggrieved by an order of the Council under section 20 or section 21 may, within three months from the date of receiving notice of such order, appeal to the [State Government] [Substituted by A. O. 1950 for Provincial Government.] against such order and the decision of the [State Government] [Substituted by A. O. 1950 for Provincial Government.] on any such appeal shall be final.

23. Persons entitled to be registered.

- The following persons shall, subject to the rules and regulations made under this Act and to the payment of such fees as may be prescribed, be entitled to have their names entered in registers of nurses, midwives, assistant midwives, [auxiliary nurse-midwives or health visitors] [Substituted by section 11(2) of U. P. Act XIV of 1960.]; namely: -(a)[Persons who hold qualifications in nursing or midwifery or health visiting recognized under the India Nursing Council Act, 1947; [Substituted by section 5 or U. P. Act XXXV of 1952.](b)persons who hold assistant midwifery or certified midwifery certificates of the U. P. State Medical Faculty; and(c)persons who may be registered as nurses, midwives, [auxiliary nurse-midwives or health visitors] under a scheme of reciprocity under the

provisions of section 10 of the India Nursing Council Act, 1947 by the Indian Council of Nursing constituted under the said Act :] Provided that nurses, midwives, assistant midwives, [auxiliary nurse-midwives and health visitors] [Substituted by section 12(ii) and 12(iii) of U. P. Act XIV of 1960.] who are at the commencement of this Act enrolled on the registers maintained by [Uttar Pradesh] [Substituted by A. O. 1950 for the United Provinces.] State Medical Faculty shall be entitled to have their names transferred, according to their qualifications, to the appropriate registers to be maintained under this Act.

24.

[* * *] [Deleted by section 6 of U. P. Act XXXV of 1952.]

25. Registration not to qualify for registration under U.P. Act III of 1917.

- The certificate of registration under this Act shall not confer upon any person any right or title to be registered under the United Provinces Medical Act, 1917 or to assume any title, name or designation implying that such person is by law recognized as a registered medical practitioner, or that he or she is entitled to grant any medical certificate or any certificate of death or still birth, or to undertake the charge of cases of abnormality or of diseases in connexion with parturition.

26. Disability of unregistered persons.

- Except with the general or special sanction of the [State Government] [Substituted by A. O. 1950 for Provincial Government.] or of any officer authorized by it in this behalf no person unless registered as a nurse, midwife, assistant midwife [an auxiliary nurse-midwife or health visitor] [Substituted by section 13 and section 14 of U. P. Act XIV of 1960.] shall from the commencement of this Act hold in or in connexion with any dispensary, hospital, asylum, infirmary, lying-in-hospital or maternity and child-welfare centre which is supported wholly or partially out of public funds any appointment designated as that of matron, superintendent of nursing sister, staff nurse, nurse, midwife, assistant midwife, [an auxiliary nurse-midwife or health visitor] [Substituted by section 13 and section 14 of U. P. Act XIV of 1960.] or indicating that the holder has been trained as a nurse, midwife, assistant midwife, [an auxiliary nurse-midwife or health visitor.] [Substituted by section 13 and section 14 of U. P. Act XIV of 1960.]

27. Disposal of fees.

- All fees and other monies received by the Council under this Act shall be applied for the purposes of this Act in such manner as may be prescribed.

28. Publication of and presumption as to entries in annual lists.

(1) The Registrar shall in every year on or before a date to be fixed by the Council in this behalf, cause to be printed and published correct lists of the names for the time being entered in the registers of

nurses, midwives, assistant midwives [auxiliary nurse-midwives and health visitors] [Substituted by section 13 and section 14 of U. P. Act XIV of 1960.] setting forth- (a)all names entered in the registers, arranged in alphabetical order according to surnames,(b)the registered address or appointment of each, person whose name is so entered in any of 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 of such lists is duly registered under this Act, and that any person whose name is not entered is not registered under this Act :Provided that in case of any person whose name does not appear in such printed lists, a certified copy signed by the Registrar and sealed with the Seal of the Council, of the entry of the name of such person in a register of nurses, midwives, assistant midwives [auxiliary nurse midwives or health visitors] [Substituted by the A. O. 1950 for 'Provincial Government.] shall be evidence that such person is registered under this Act; and upon the production of such evidence every court shall presume that such person is so registered :Provided also that a certificate signed by the Registrar and sealed with the Seal of the Council, stating that the name of a person borne on the list of nurses, midwives, assistant midwives [auxiliary nurse midwives or health visitors] [Substituted by the A. O. 1950 for 'Provincial Government.] as the case may be, has been removed from such register and specifying the date of such removal shall be evidence that such person is not registered under this Act and of the date from which he or she ceased to be registered, and on the production of such evidence every court shall presume that such person ceased to be registered from the date specified.

29. Power to make arrangements for local supervision.

- The Council may, with the previous sanction, of the [State Government] [Substituted by section 14 of U. P. Act XIV of 1960.] make such arrangements as it thinks fit for local supervision over nurses, midwives, assistant midwives [auxiliary nurse-midwives, and health visitors] [Substituted by section 15 of UP Act no. 14 of 1960.] registered under the Act.

30. Penalty for dishonest use of certificate, procuring registration by false means and falsification of registers or certificate.

- Any person who -(a)dishonestly makes use of any certificate of registration issued under the provisions of this Act to such or any other person;(b)procures or attempts to procure registration under the provisions of this Act by making or procuring 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 be punishable, on conviction, with a fine which may extend to three hundred rupees.

31. Penalty on unregistered persons representing themselves to be registered.

- Any person, who, not being registered under the provisions of this Act, assumes or uses the name or title of a registered nurse, midwife, assistant midwife, [an auxiliary nurse-midwife, or health

visitor] [Substituted by section 16 of U. P. Act XIV of 1960.] or uses any name, title, addition description, signboard or other such thing implying that such person is a registered nurse, midwife, assistant midwife, [an auxiliary nurse-midwife, or health visitor] [Substituted by section 16 of U. P. Act XIV of 1960.] as the case may be, shall be punishable, on conviction, with a fine which may in the case of a first offence, extend to fifty rupees and, in the case of a second or any subsequent offence, to three hundred rupees.

32. Cognizance of offences.

(1)No court shall take cognizance of any offence punishable under this Act except upon complaint made by order of the [State Government]¹ or by the Council with the previous sanction of the [State Government] [Substituted by the A. O. 1950 for (Provincial Government).](2)No court inferior to the court of a District Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

33. Rules and regulations.

(1)The [State Government] [Substituted by the A. O. 1950 for (Provincial Government).] may from time to time, after previous publication, make [rules] [For rules see notification no. 3914/V-308-38,d. Jan. 5, 1939.] consistent with this Act, to carry out the provisions of the Act.(2)In particular, and without prejudice to the generality of the power conferred by sub-section (I), the [State Government] [Substituted by the A. O. 1950 for (Provincial Government).] may make [rules] [For rules see notification no. 3914/V-308-38,d. Jan. 5, 1939.](a)to regulate elections under this Act;(b)to prescribe the form or forms of registers of nurses, midwives, assistant midwives [auxiliary nurse-midwives and health visitors] [Substituted by section 17 (i) (a) of U. P. Act XIV of 1960.] to be maintained under this Act ;(c)to regulate, supervise and restrict within due limits the practice of their profession by registered nurses, midwives assistant midwives, [auxiliary nurse-midwives and health visitors] [Substituted by section 17 (i) (a) of U. P. Act XIV of 1960.],(d)to prescribe the powers duties and functions of the authorities charged with local supervision ;(e)to regulate the procedure to be followed by the Council -(i)in conducting any enquiry under the proviso to section 21 (I) of the Act ; and(ii)in withdrawing an order prohibiting or spending the entry of any name in the registers or in making a re-entry in the registers of the name of any nurse, Midwife assistant midwife, [auxiliary nurse-midwife or health visitor] [Substituted by section 17 (11) of U. P. Act XIV of 1960.] whose name has been removed from the registers ;(f)to regulate the procedure to be followed in disposing of appeals from the decisions of the council; and(g)to regulate the application of fees and other monies received by the council under or for the purposes of this Act.(3)In addition to the powers conferred by section 14 the Council may, with the previous sanction of the [State Government] [Substituted by A. O. 1950 for 'Provincial Government.'] make regulations -(a)to regulate the maintenance of registers and the conditions of admission thereto under section 23 [* *] [The words and figures 'and section 24' deleted by section 7 of U.P. Act No. 35 of 1952.] and to prescribe the form of application for such admission(b)to regulate the conduct [of examinations for nurses, midwives, assistant midwives] [Inserted by section 5 (i) of U. P. Act XVI of 1948.] [auxiliary nurse-midwives and health visitors] [Substituted by section 17 (ii) of U. P. Act XIV of 1960.] or of any [other] [Inserted by section 5 (ii) of U. P. Act XVI of 1948.] examinations which may be

prescribed as a condition of admission to the register and any matters ancillary to or connected with any such examinations;(c)to prescribe the travelling and other expenses, pay-entry of names erased or removed from the register;(d)to regulate the publication of annual lists of registered nurses, midwives, assistant midwives, [auxiliary nurse-midwives and health visitors] [Substituted by section 17 (ii) of U. P. Act XIV of 1960.];(e)to prescribe the travelling and other expenses payable to the members of the Council or Committees;(f)to regulate the accounts of the Council and their audit, and(g)generally to provide for any matters with respect to which the Council think provision should be made for the purposes of this Act, and to prescribe anything which under this Act is to be prescribed.(4)All rules and regulations made under this Act shall be published in the [Official Gazette.] [Substituted for (U. P. Govt. Gazette) by the A. O. 1937.]

34. Certain persons to be public servants Act 45 of 1860.

- Every person appointed under sub-sections (1) and (2) of section 16 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

35. Procedure in enquiries and appeals Act 1 of 1872.

- For the purpose of any enquiry held under section 21 the Council shall be deemed to be a court within the meaning. of the Indian Evidence Act, 1872, and shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 and every such inquiry shall be conducted, as far as may be, in accordance with the provisions of section 5 and sections 8 to 10 of the said Public Servants (Enquiries) Act, 1850.

36. Bar to suit and legal proceedings.

- No suit or other legal proceedings shall lie in respect of an act done in good faith in the exercise of a power conferred by this Act on the [State Government] [Substituted by A. O. 1950 for 'Provincial Government.'] the Councillor the Registrar.

37. Control of Council by State Government.

- If at anytime it shall appear to the [State Government] [Substituted by A. O. 1950 for 'Provincial Government.'] that the Council has failed to exercise or has exceeded or abused power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by or under this Act, the [State Government] [Substituted by A. O. 1950 for 'Provincial Government.'] may if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the [State Government] [Substituted by A. O. 1950 for 'Provincial Government.'] may fix in this behalf, the [State Government] [Substituted by A. O. 1950 for 'Provincial Government.'] may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as it may think fit :Provided that it shall take steps as soon as may be convenient to constitute a new, Council in accordance with the terms of section 4.