

Jammu and Kashmir Nurses, Midwives, and Health Visitors Registration Act, 1956

JAMMU & KASHMIR

India

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Act 41 of 1956

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Jammu and Kashmir Nurses, Midwives, and Health Visitors Registration Act, 1956(Act No. 41 of 1956)[Dated 28th December,1956]An Act to provide for the registration and better training of nurses, midwives and health visitors in Jammu and Kashmir State.Be it enacted by the Jammu and Kashmir State Legislature in the Seventh Year of Republic of India as Follows:-

1. Short Title, Extent and Commencement.

(1)This Act may be called as the Jammu and Kashmir Nurses, Midwives, and Health Visitors Registration Act, 1956.(2)It extends to the whole of Jammu and Kashmir state.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant to the subject or context,-(a)"Council" means the Jammu and Kashmir State Nurses', Midwives' and Health Visitors' Council constituted under section 3;(b)"institution" means any association which maintains or controls a nursing establishment;(c)"prescribed" means prescribed by rules or regulations made under this Act;(d)"register" means register maintained under section 13;(e)"registered" means registered under provision of this Act.(f)"notification" means a notification published in the Government Gazette;(g)"nurse" includes mail nurse.

3. Establishment and incorporation of the Council.

- The Government may, by notification in the Government Gazette, establish a council to be called as the Jammu and Kashmir State Nurses', Midwives' and Health Visitors' Council, for the purpose of

carrying out the provisions of this Act. Such Council shall be a body corporate and have perpetual succession and common seal and may by the said name sue and be sued.

4. Constitution of the Council.

- The Council shall consist of the following ex-officio and nominated members :-

S.No Designation

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|----|--------------------------|-----------|
| 1. | Director Health Services | President |
| 2. | Matron , S.M.H.S | Member |
| 3. | Matron , S.M.G.S | Member |
| 4. | One Male Doctor | Member |
| 5. | One Female Doctor | Member |
| 6. | One Midwife | Member |
| 7. | One Health Visitor | Member |

5. Publication of names of Members.

- The name of every member nominated under section 4 shall be published by the Government Gazette.

6. Terms of Office of the Nominated members.

(1) Subject to the provisions of section 7 and section 8, the term of office of the nominated members shall be three years. (2) A nominated member shall be eligible for re-nomination at the end of his term of office. (3) The powers of the council may be exercised notwithstanding any vacancy in the number of its members fixed by section 4.

7. Filling up of Casual Vacancies.

- If any member dies or resigns to its membership or ceases to be member as provided in section 8, the vacancy shall be filled within one month of the notification of the vacancy by fresh nomination under section 4; provided that any person nominated to fill the casual vacancy shall hold office only so long as the member in whose place the nomination is made would have had office.

8. Cessation of Membership.

- A nominated member of the council shall be deemed to have vacated his seat if he is absent, without excuse sufficient in the opinion of the Council, from three consecutive meetings of the council.

9. Leave of absence to members.

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

10. Meetings of the Council and constitution of Committees.

(1)The Council shall make regulations to regulate-(a)the mode of transaction of business, including provision for decisions emergent matters by the circulation of papers to members, and for co-opting persons especially qualified to advise on any particular matter 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 threat; and(e)the constitution of committees, the delegation to such committees of any powers or duties of the council under this Act and the procedure of the committees in the transaction of business; provided that-(i)no business shall be transacted at any meeting of the Council unless a quorum of three members be present; and(ii)Save as provided in section 10, all questions arising at any meeting of the council shall be decided by the majority of the votes of the members present.(2)Until such time as the regulation referred to in sub-section(1) have come into operation ,it shall be lawful for the President of the Council to summon a meeting at such time and place as to him seem expedient, by letter addressed to each member.

11. Payment of Fees and Travelling Expenses to its Members.

- There shall be paid to the members of the Council such fees, if any, for attendance at meetings of the Council or of committees of the Council and such reasonable travelling expenses for attending such meeting or for inspecting institutions as may from time to time be allowed by the council and approved by the Government.

12. Register and Office Staff of the Council.

(1)With the previous sanction of the Government, the Council -(a)shall appoint a Registrar;(b)may grant leave to registrar and shall appoint a person in his place;(c)shall Pay to the Registrar and the person in charge.(2)The Council may appoint such other officials and officers and servants ,as it may consider necessary for the purpose of this Act ,and shall pay them such salary or remuneration and such allowance as the Council may determine.(3)The Registrar shall act as Secretary and Treasurer to the Council.

13. Maintenance of Register.

- The Council shall maintain a register of -(i)nurses,(ii)midwives, and(iii)health visitors,in such forms containing such particulars, and divided into such parts as may be prescribed.

14. Maintenance of registers by the Registrar.

- The Registrar shall keep 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, make all necessary alterations in the registered addresses, or appointments and in the classification, of the registered nurses, midwives and health visitors and erase the name of any such nurse, midwife or health visitor who is dead or has ceased to practice.

15. Erasure of names, from registers or notice of death.

(1) Every Registrar of Death who receives the Notice of Death of any person whose name he has known to be entered into the registers, shall forthwith transmit by post to the Registrar of the Council a Certificate of such death signed by him and stating particulars of the time and place of death. (2) On receipt of - (a) any certificate; or (b) any other reliable information regarding such death, the Registrar of the Council shall erase the name of the deceased person from the register in which it is entered.

16. Erasure of Fraudulent and incorrect entries in Register.

- Any entry in the Registers who is proved to the satisfaction of the Council to have fraudulently or incorrectly made, may be erased under an order of the Council.

17. Persons entitled to be registered.

- The following persons shall on payment of such fees as may be prescribed be entitled to registration under this Act, namely :- (a) Nurses, midwives or health visitors who have undergone the course of training, have passed the examination and fulfill such further conditions as may be prescribed; (b) Nurses, midwives or health visitors who are already in practice at the commencement of this Act, subject to such conditions and restrictions as may be prescribed.

18. Right of Appeal.

(1) Any person aggrieved by any order of the Council under section 19 may within three months from the date on which notice of such order is given to him, appeal to the Government against such order. (2) The Order of the Government against any such appeal shall be final.

19. Institutions for Training Nurses, midwives or Health Visitors to be recognized by the Council.

(1) The institution which are approved and recognized by the Council after inspection by the President shall be competent to train nurses, midwives and health visitor and to send them for the qualifying certificates of the Council. (2) All recognized institutions shall be inspected by the President of the Council at least once in two years.

20. Appeal.

- Any person aggrieved by the order of the Council under section 16, 18 or 23 may appeal within three months from the date of such order by the Government.