

Tripura Nursing Council Act, 1986

TRIPURA

India

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Act 13 of 1987

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Tripura Nursing Council Act, 1986(Tripura Act No. 13 of 1987)Last Updated 10th June, 2020[Dated 17.08.1987]An Act To provide for constitution of a Nursing Council for Tripura in order to regulate teaching in general nursing, midwifery, auxiliary nursing midwifery, health visiting or public health nursing in the State and for matters connected therewith and incidental thereto.Be it enacted by the Legislative Assembly of Tripura in the Thirty Seventh Year of The Republic of India as follows:

1. Short title, extent and commencement.

(1)This Act may be called the Tripura Nursing Council Act, 1986.(2)It extends to the whole of Tripura,(3)It shall come into force at once.

2. Interpretation.

- In this Act, unless there is anything repugnant in the subject or context(a)"Council" means the Council constituted under this Act;(b)"Indian Nursing Council" means the Council constituted under the Indian Nursing Council Act, 1947;(c)"Prescribed" means prescribed by rule made under this Act;(d)"Member" means a member of the Council ;(e)"President" means the President of the Council;(f)"Register" means the Register of Nurses, Midwives, Multipurpose Worker and Supervisors (Female) Health Visitors maintained under the Act;(g)"Registered Nurse or Midwives or Multipurpose Worker (Female) or Multipurpose Supervisor (Female) or Health Visitor" means a Nurse or Midwife or Multipurpose Worker (Female) or Multipurpose Supervisor (Female) or Health Visitor registered under the provisions of this Act;(h)"Registrar" means the Registrar of the Council;(i)"Rules" means rules made by the State Government under this Act;(j)"State Government" means the State Government of Tripura ;(k)"Vice-President" means the Vice-President of the Council.Chapter-II State Nursing council

3. Constitution and composition of the State Council.

(1)The State Government shall, as soon as may be, constitute a Council consisting of the following members, namely,(a)Six members, elected from amongst themselves by registered Nurses, Midwives, Health Visitors, Multipurpose Workers and Multipurpose Supervisors;(b)Five members, of whom atleast two shall be persons possessing higher qualification in Nursing recognised under Part II of the Schedule of the Indian Nursing Council Act, 1947, nominated by the State Government;(c)The senior-most Principal Nursing Officer of the State, Ex-officio;(d)The Director of Health Services, Ex-officio or a person authorised by him in writing.(2)Notwithstanding anything contained in sub-section (1) or elsewhere in this Act, on the first constitution of the Council, all the members under clause (a) of sub-section (1) shall be nominated by the state Government.

4. Incorporation of the Council.

- The council constituted under section 3 shall be a body-corporate by the name of the Tripura Nursing Council having perpetual succession and a common seal, with power to acquire or hold Property, both movable and immovable, and shall by the said name sue and be sued.

5. President and Vice-President the Council.

(1)The President and vice-President of-the council shall be elected by the members from amongst themselves; provide that for five years from the constitution of the Council the President shall be a person. nominated by the state Government, who shall hold office at the pleasure of the State Government and where he is not already a member, shall be a member of the Council in addition to the members referred to in Section 3.(2)The President or Vice-President shall hold office as such for a term not exceeding five years and not beyond his term as a member of the council, but subject to his being a member of the Council, he shall be eligible for re-election;Provided that if his term of office as a member of the council expires before the expiry of the full term for which he is elected as President or vice-President, he shall, if he is re-elected or re-nominated as a member of the Council, continue to hold office for the full term for which he is elected as President or vice-President.

6. Mode of Election.

- Elections under this chapter shall be conducted in the prescribed manner and where any dispute arises regarding any such election, it shall be referred to the. State Government whose decision shall be final.

7. Term of office and casual vacancies.

(1)Subject to the provisions of this section, a nominated or elected member other than a nominated President shall hold office for a term of five years from the data of his nomination or election.(2)A nominated or elected member may- it any time resign his membership by writing under his hand addressed to the President and the seat of such member shall there upon become vacant.(3)A

nominated or elected member shall be deemed to have vacated his seat if he is absent without excuse sufficient in the opinion of the Council or if he is elected under clause(a) of sub-section(1) of Section 3.(4)A casual vacancy in the Council shall be filled by fresh nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he was elected or nominated.(5)No act done by the Council shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of the Council.(6)Members of the Council shall be eligible for re-nomination or re-election.

8. The Executive Committee.

(1)The Council shall, as soon as may be, constitute an Executive Committee consisting of the President and Vice-President Ex-officio, and three members elected by the Council from amongst themselves in the manner as may be prescribed.(2)The President and Vice-President of the Council shall be the President and Vice-President respectively of the committee.(3)A member of the Executive Committee shall hold office as such until the expiry of his term of office as member of the Council, but, subject to his being a member of the Council, he shall be eligible for re-election.(4)In addition to the powers and duties conferred and imposed upon it by this Act, the Executive Committee shall exercise and discharge such powers and duties as may be prescribed.(5)No business shall be transacted at any meeting of the Executive Committee unless a quorum of three members be present.(6)The Council may also, subject to the approval of the State Government from time to time, appoint one or more Committee consisting of members of the council of outsiders or both on such terms as may be approved by the State Government for the purpose of advising it on such matter as it deems necessary and may appoint a Chairman for any such committee, who shall convene and preside over the meeting of the Committee.

9. Meetings.

(1)The Council shall hold its first meeting at such time and place as may be appointed by the President, and thereafter the council shall meet at such time and place as may be appointed by the Council.(2)Until otherwise prescribed, five members of the council shall form a quorum and the acts, of the council shall be decided by a majority of the members present and voting.

10. Expenses to be paid to members and other persons.

- The council shall pay to its President, Vice-President and members and other persons appointed by it to any committee referred to in sub-section (6) of section 8, such fees for attending at meetings of the council, of the Executive Committee or such committee and such travelling expenses for journeys undertaken in the performance of duties as may be prescribed.

11. Staff, remuneration and allowances.

- The Council may, with the previous sanction of the State Government,(a)appoint a Registrar who

shall also act as Secretary and if so decided by the Council, Treasurer of the council;(b)appoint such other officers and Servants as may be required to enable the council to carry out its functions under this Act;(c)fix the salaries and allowances and other conditions of service of the Secretary and other officer and servants of the Council;Provided that the first four years from the constitution of the Council the Registrar shall be a person appointed by the State Government, who shall hold office during the pleasure of the State Government.

12. Powers of the Council.

- The Council shall have the following powers, namely,(a)with the approval of the State Government to grant or refuse affiliation to the Institutions teaching the General Nursing, midwifery, auxiliary nursing midwifery, multipurpose worker (female) Multipurpose Supervisor (female), health visiting, public health nursing or similar other courses, or withdraw after giving the authority of an institution an opportunity to show causes against the action proposed to be taken against such affiliated Institution.(b)to call upon the authority of an institution affiliated to the Council or of any institution applying for affiliation to furnish within such period, a may be Specified, such reports, returns or other information's a the council may require to judge the efficiency of the institution;(c)to hold examinations for per on who shall have pursued a course of study in institution affiliated to the council or to confer diplomas and certificates on them on having passed the necessary examination;(d)to provide by regulations course of study for different examinations held by the council :(e)to appoint examiners and to fix their remuneration and to publish the results of the examinations held by it ;(f)to grant prizes and medals to students of institutions affiliated to the Council who are meritorious;(g)to collect prescribed fees or charges for admission to the examinations held by the council and for certificates, diplomas, etc. granted or conferred by' it ;(h)to receive grants, donations, gifts and endowments;(i)to appoint such number of Inspectors for the inspection of the institutions teaching General nursing, midwifery, auxiliary nursing midwifery, multipurpose worker (female), multipurpose Supervisor (female), health visiting, public health nursing or similar other courses as the council may deem fit on such terms as the council may, with the previous sanction of the State Government, determine;(j)to incur such expenditure, to adopt such measures and to do such acts as may be necessary for the furtherance of the objects mentioned in this section;(k)to perform such other functions as the State Government may direct or on the recommendation of the Council approve for carrying out the provisions of the Act.

13. Information to be furnished.

(1)The Council shall furnish such reports, copies of its minutes and of all minutes of the Executive Committee or such other committee constituted under sub-section (6) of section 8, and abstracts of its accounts to the State Government as the State Government may from time to time require;(2)The State Government may publish, in such manner as may think fit, any report, copy, abstract or other information's furnished to it under this section.

Chapter-III Registration

14. Registration of Nurses, Midwives, Health Visitors, etc.

(1)The Council shall maintain a register for registered nurses, midwives, auxiliary nurse-midwives, multipurpose workers (female), multipurpose supervisors (female), Health Visitors, Public Health Nurses or other similar persons, in several parts in which the persons to be registered shall be classified according to qualifications in such manner as may be prescribed.(2)The Registrar shall, from time to time, make necessary entries in the register in respect of the persons whose names are to be registered, their qualifications, and their addresses and may also from time to time make such alterations or modifications as may be required in consequence of any orders passed by the Council or otherwise.

15. Persons entitled to be registered.

(1)Every person who possesses any qualification recognised by the Indian Nursing Council shall, subject to the provisions of the Act, and on payment of such fees as may be prescribed be eligible to have his name entered in the Register.(2)The Council may, on being satisfied that a person is qualified for registration under this section and has applied in the prescribed manner with prescribed fees, direct that his name be entered in the Register and the Registrar shall thereupon make necessary entries in the Register and grant him a certificate of registration in the prescribed form.

16. Refusal of registration, removal or re-entry of names.

(1)The Council may refuse to permit the registration or direct temporary or final removal of any name of any person on any of the following grounds:(a)that his name has been entered in the register by error or on account of misrepresentation or suppression of a material fact; or(b)that he has been convicted of an offence; or(c)that he has been guilty of any offence which, in the opinion of the Council, indicates professional incompetence, negligence or contravention of regulations ordinarily included in the performance of the duties of nurses, midwives or Health visitors;Provided that no action shall be taken by the Council under this section until after due enquiry at which the person concerned has had an opportunity of being heard in person or of being duly represented and he has been found guilty by a majority of at least two-thirds of the members of the Council.(2)Any name as 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 a majority of two-thirds of members of the Council.(3)Any person aggrieved by an order of the Council made under subsection (1) may, within three months from the date on which notice of such order is given to him, appeal to the State Government against such order and the decision of the State Government on such appeal shall be final.

17. Notice of death and removal of name from the Register.

- The Council may on receipt of reliable information regarding the death of a person whose name is entered in the Register, and on making such enquiry as it may think fit, direct the removal of his

name from the Register and thereupon the Registrar shall cancel the entry relating to such person.

18. Issue of duplicate certificate of registration.

- Where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost or destroyed the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in the prescribed form.

19. Penalty for falsely claiming to be registered.

- If any person whose name is not for the time being entered in the register falsely pretends that it is so entered or uses in connection with his name or title any word or letters reasonably calculated to suggest that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable on first conviction with fine which may extend to five hundred rupees and on subsequent conviction with imprisonment extending to six months or with fine not exceeding one thousand rupees or with both.

20. Prohibition of unauthorised conferment of diplomas, certificates, etc. and penalty for such conferment.

(1) No person, association or institution other than the Council shall confer, grant or issue or hold himself or itself out as entitled to confer, grant or issue any diploma, certificates or any other document stating or implying that the holder, grantee or recipient thereof is qualified as nurse, Midwife or Health Visitor, etc. (2) Any contravention of the provision of sub-section (1) shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both, and if any association or institution is guilty of such contravention, every member thereof who knowingly or willfully authorises or permits the contravention, shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

21. Prohibition of employment of unregistered persons.

- No dispensary, hospital, infirmary or lying in hospital which is supported partially or entirely by public funds, or local fund shall employ any person as a nurse, midwife, or Health Visitor unless he is registered under this Act or is under training in an institution recognised by the Council.

22. Cognizance of offence.

(1) No Court other than a Magistrate of the First Class shall try an offence under this Act. (2) Cognizance of offence punishable under section 19 or 20 of the Act shall not be taken except upon complaint made by order of the State Government or any officer authorised in this behalf by the State Government or by order of the Council.

23. Publication and use of registration list.

(1)The Registrar shall, from time to time as the occasion may require, on or before the date to be fixed in this behalf by the Council, cause to be printed and published a correct list of the names for the time being entered in the Register:Provided that such list shall not be published before expiry of atleast twelve months from the date of last publication.(2)the Registrar shall, from time to time as occasion arises, cause to be printed and published a list of supplementary thereto, containing addition and alteration in the Register since the publication of the list under sub-section (1).(3)The Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1972, and may be proved by' a copy published in the Gazette.

24. Bar of suit or other legal proceedings.

- No suit, prosecution, or other legal proceedings shall lie in respect of any act or thing done or omitted to be done in the exercise of purposed exercise of any power conferred by or under this Act on the State Government or the Council or, the Executive Committee or any Committee appointed by the Council or the Registrar.

25. Finance, Audit & Budget.

(1)All fees payable and prescribed under this Act shall be paid to the Council.(2)All accounts of all assets and liabilities of the Council and of all fees, sums, grants, donations, gifts and endowments received by it and of all expenses and disbursements incurred or made by it shall be maintained in the prescribed manner.(3)The account shall be audited annually in such manner and by such officer or authority as may be prescribed. A copy of the audit report shall be submitted to the State Government by the Council.(4)The Council shall prepare in the prescribed manner a budget for every financial year showing the probable receipt and expenditure, which shall be submitted to the State Government for approval,

26. Power to make rules.

(1)The State Government may, from time to time make rules for carrying out the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely,(i)the election of member of the Council, members of the Executive Committee, the President and the Vice President;(ii)the functions to be performed by the President and the Vice-president;(iii)the fees payable under this Act;(iv)the allowances to be paid under section 11.(v)the salaries and allowances to be paid to the Registrar and other staff ;(vi)the manner in which the account referred in sub-section (2) of section 25 shall be maintained;(vii)the procedure to be followed by the Council in conducting an enquiry under this Act;(viii)any other matter which may be or is required to be prescribed under this Act.(3)Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions in which it is so laid or the successive sessions

aforesaid the Legislative Assembly (agrees in making any modification in the rule or the Legislative Assembly agree that the rule should not be made, the rule shall thereafter have affect as the case may be, however, so that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. Regulations.

(1)The council may with the previous approval of the State Government, make regulations, not inconsistent with .this Act or the rules made thereunder, for discharging its functions under the Act.(2)In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely,(i)the conduct of business of the Executive Committee and of committee appointed by the council;(ii)the time and place at which each meeting shall be held;(iii)the issue of notices convening such meeting;(iv)the conduct of business there-at;(v)the conditions of appointment and service and scales of pay and allowances of the officers and servants appointed by the council;(vi)any matter for which .power to. make regulations is conferred expressed or by implication on the council by this Act.

28. Publication of rules and regulations.

- All rules and regulations shall be published in the official Gazette.

29. Control over the Council by the State Government.

- If, at any time, it appears to the State 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 this Act, the State Government may if it considers such failure, excess or abuse to be of a serious character, after giving the council an opportunity of being heard, notify the particulars thereof to the Council and if the Council fails to remedy such failure, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may supersede the Council for a period not exceeding one year and cause all or any of the powers and duties of the Council to be exercised and performed by such agency as it may think fit during the period of supersession.