

Serial 10

(TO BE PUBLISHED IN PART IV DELHI GAZETTE EXTRAORDINARY)
Government of National Capital Territory of Delhi,
(Department of Law, Justice & Legislative Affairs),
5-Sham Nath Marg, Delhi-110054.

No. f. 14/5/97-99/L.A./83

Dated // March, 1999.

The following Act of the Legislative Assembly received the assent of the President on 4.3.1999 and is hereby published for general information.

The Delhi Nursing Council Act, 1997
(Delhi Act No. 3 of 1999).

AN
ACT

To provide for the constitution of the Delhi Nursing Council for regulation of registration and training of nursing personnel (nurses, mid-wives, auxiliary nurse midwives/female health worker/female health assistant/ supervisors) and matters connected therewith.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty eighth Year of the Republic of India as follows:

CHAPTER - I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Delhi Nursing Council Act, 1997.
- (2) It extends to the whole of the National Capital Territory of Delhi.
- (3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,
 - (a) "affiliated institution" means an institution or hospital or health centre for preventive, promotive, curative care and rehabilitative nursing services, which is recognised and affiliated to the Council;
 - (b) "auxiliary nurse - midwife" or "female health worker" means a person who possesses a certificate of auxiliary nurse midwife, or, as the case may be, of female health worker from a recognised institution registered under section 13;
 - (c) "council" means the Delhi Nursing Council constituted under section 3;



- (d) "female health assistant or supervisor" means a person who possesses a certificate from an institution recognised and registered under section 13;
- (e) "Government" means the Government of the National Capital Territory of Delhi;
- (f) "licensing authority" means an officer authorised by the Government to issue licences under this Act;
- (g) "Lieutenant Governor" means the Lieutenant Governor of the National Capital Territory of Delhi referred to in clause (1) of article 239AA and appointed by the President under article 239 of the Constitution;
- (h) "Inspector" means a nurse appointed by the Council;
- (i) "list" means a list of nurses, midwives, auxiliary nurse-midwives or female health workers or female health assistants or supervisors maintained under section 16;
- (j) "member" means a member of the Council;
- (k) "nurse" means a person who possesses a certificate in nursing and midwifery from an institution recognised in this behalf and registered with the Council;
- (l) "prescribed" means prescribed under the rules;
- (m) "President" means the President of the Council;



- (n) "register" means a register maintained under section 15;
- (o) "registered" means registered in accordance with the provisions of section 13;
- (p) "registrar" means Registrar appointed under section 10;
- (q) "regulation" means a regulation made by the Council under this Act.
- (r) "rule" means a rule made by the Government under this Act, by notification in the Official Gazette.

CHAPTER II

Delhi Nursing Council

Constitution
and incor-
poration of
the Council.

3. (1) The Government shall, as soon as may be after the commencement of this Act, constitute a Council called 'The Delhi Nursing Council'. The Council shall consist of the following members, namely:-
- (a) The Director of Health Services, Government of National Capital Territory of Delhi - Ex-Officio.
 - (b) The Director of Indian Systems of Medicine and Homoeopathy - Ex-Officio.
 - (c) The Medical Officer of Health, Municipal Corporation of Delhi - Ex-Officio.



- (d) The Nursing Advisor to the Government of India - Ex-Officio.
- (e) Three Nursing Chief Officers of the hospitals in the National Capital Territory of Delhi to represent one hospital each, to be nominated by the Government by rotation, from the following:-
- (i) Hospitals of Central Government;
 - (ii) Hospitals of Government of National Capital Territory of Delhi;
 - (iii) Hospitals of Municipal Corporation of Delhi/New Delhi Municipal Council.
- (f) Two Members of the Legislative Assembly of the National Capital Territory of Delhi to be nominated by the Speaker of the Assembly.
- (g) Three persons to be nominated by the Government to represent as nurse, an auxiliary midwife and a nursing educationist, from amongst the nurses, auxiliary nurse midwives and nursing educationists of recognised nursing schools.
- (h) A member of the Delhi branch of Trained Nurses Association of India to be elected by the Members



themselves.

(i) Two principals, one each from General Nursing and Midwifery Schools and Colleges of Nursing; and one Principal from Auxiliary Nursing and Midwifery Schools, to be elected from amongst the nursing institutions.

(2) The Council shall be a body corporate, having a perpetual succession and a common seal, with power to acquire, hold and dispose of property, whether movable or immovable, and to contract and to do all things necessary for the purposes of this Act, and may by the name aforesaid sue or be sued.

(3) The President and the Vice-President of the Council shall be elected from amongst the members, according to the procedure as may be prescribed.

Term of
Office.

4. (1) The term of office of a member, other than ex-officio member, shall be three years from the date of nomination or until a successor has been duly nominated, whichever is earlier.

(2) A member appointed to the Council in his ex-officio capacity shall cease to hold office as a member if he ceases to hold such office.

(3) The President shall hold office from the date of election upto the date on which his term of office as a



member expires or until a successor has been duly elected.

- (4) If the seat becomes vacant by reason of death, disability, resignation, removal or disqualification, a new member shall be nominated by the Government and such nominated member shall hold office only for the remainder of the term for which the member was nominated.
- (5) A member shall be deemed to have vacated office if he absents himself from three consecutive meetings of the Council without leave of the Council.
- (6) (a) The President may resign from his office by notice in writing addressed to the Secretary of the Council. Such resignation shall take effect from the date on which it is accepted by the Council.
(b) A member may resign from office by notice in writing addressed to the President and every such resignation shall take effect from the date on which it is accepted by the President.
- (7) Notwithstanding anything contained in this Act, the Government may -
 - (a) remove a member from office on being found disqualified as per subsection (8) of this section, or



- (b) if the Council decides at a meeting by two-thirds majority of the total membership that the continuation of a member in office is prejudicial to the interest of the Council,

remove the member from office.

- (8) A person shall be disqualified for being elected or nominated, and for continuing, as a member -

- (a) if he is an undischarged insolvent; or

- (b) if he is of unsound mind and stands so declared by a competent court; or

- (c) if his name has been removed from the register and has not been re-entered therein, or

- (d) if he is a whole-time officer or servant of the Council; or

- (e) completes 65 years of age.

Meetings
of the
Council.

- 5. (1) The Council shall meet atleast once in a year and may also meet as many times as necessary in a year to transact its business.

- (2) The President, when present, shall preside over meetings of the Council and in his absence the Vice-President shall preside. In case both are absent, any other member elected by the members present



from amongst themselves shall preside at such meetings.

(3) All transactions of business at a meeting shall be decided by majority vote.

(4) In the case of equal votes, the President shall have a casting vote.

Quorum.

6. The quorum necessary for the transaction of business at a meeting of the Council shall be one-third of the total number of members including the President;

Provided that if at any meeting of the Council a quorum is not present, the President or the presiding member, as the case may be, shall adjourn the meeting to such hour of the day or some future day, as he may notify by notice on the Notice Board at the office of the Council. The business before the original meeting shall be brought before the adjourned meeting and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

Vacancies in the Council not to invalidate act, etc.

7. No act or proceeding of the Council shall be invalid by reason of existence of a vacancy in the Council or on account of any defect or irregularity in its constitution.

Executive Committee.

8. The Executive Committee shall consist of five members who shall be elected by the Council from amongst its members in the manner as may be prescribed.

Other Committees.

9. The Council may constitute sub-committees for such purposes as the Council considers necessary.

Staffing of
Council.

10. (1) The Council shall, with the previous approval of the Government, appoint a full time nurse as a Registrar and another full time nurse as a Deputy Registrar and such other staff as may be necessary.
- (2) The Council shall adopt the Central Civil Services Rules mutatis mutandis.
- (3) The pay and allowances payable to the Registrar, officers and other employees of the Council shall be fixed by the Council with the previous approval of the Government.
- (4) The Council may, with the previous sanction of the Government, suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him in the manner as may be provided by regulations.
- (5) The Registrar shall be the Secretary and the Executive Officer of the Council. He shall attend all meetings of the Council, and of its Executive Committee, and shall keep minutes of the meetings and names of members present and of the proceedings of such meetings.
- (6) The accounts of the Council shall be kept by the Registrar, in the manner as prescribed by regulations.
- (7) The Registrar shall have such supervisory powers over the staff as may be prescribed by

regulations and may perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed by regulations.

(8) The Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Fees and Allowances for meetings.

11. The President and other members of the Council shall be paid such fees and allowances as may be prescribed by regulations.

Income and Expenditure of the Council.

12. (1) The income of the Council shall consist of -

(a) registration fees received from the practitioners;

(b) grants received from the Government, if any; and

(c) gifts and donations or any other sums raised by the Council.

(2) The Council shall apply the money obtained under subsection (1) in such manner as may be prescribed.

CHAPTER III

REGISTRATION AND ENLISTMENT

Registration of nurses, midwives, auxiliary nurse midwives/female health workers,

13. (1) Any person who fulfills academic qualifications and training as prescribed under the regulations shall be registered, on payment of such fees as prescribed, in the

female health
assistants/health
supervisors.

register for a period of five
years.

(2) The Council shall follow such
procedure as may be prescribed
by regulations.

(3) For the purpose of an appeal
under the provision of section
23, the Council shall be
deemed to be a court within
the meaning of the Indian
Evidence Act, 1872 and shall
exercise all the powers of a
Commissioner under the Public
Servants (Inquiries) Act,
1850:

Provided that nothing con-
tained in any Act shall prev-
ent the Council from holding
an inquiry or hearing.

Fee for
renewal of
registration

14. Any person shall renew his/her
registration in the manner pre-
scribed by regulations and on
payment of renewal fees.

Registers to
be maintained.

15. (1) The Registrar shall maintain
such registers as may be
prescribed.

(2) It shall be the duty of the
Registrar to make entries in
the register, from time to
time, to revise the same and
to issue certificates of
registration in accordance
with the provisions of this
Act, and the rules made there-
under.

Maintenance of
list of persons
practising as
nurse, auxiliary
nurse midwife,
female health
worker, female

16. (1) The Council shall keep a list
of such persons as are not
eligible for registration
under section 13 but who are
practising as nurses.

(2) If a person who, not being

health assistant/
health super-
visor.

qualified for registration under this Act, proves within ninety days from the date of commencement of this Act, to the satisfaction of the Council that he was in regular practice as a nurse for a period not less than two years before such commencement, shall on payment of such fees as may be prescribed be entitled to have his name entered in the list:

Provided that any person whose name has been removed from the register maintained under this Act or under any other law for the time being in force in any part of India, or from the register of any other country on the ground of any professional or other misconduct, shall not be entitled to have his name entered in the list.

- (3) The provisions of sections 13, 14 and 15 shall mutatis mutandis apply to such list.

Persons not
registered or
not in the list
not to practise
or be employed
as nurses etc.
nurses, etc.

17. No person other than a person registered under this Act or a person whose name is entered in the list under section 16 shall practise directly or by implication as practising habitually or for personal gains as a nurse.

Supply of
orders of the
Council or the
Registrar or of
any entry in the
Register or list.

18. Copies of any order passed by the Council or the Registrar or of any entry in the register or in the list shall be supplied on payment of such fees as may be prescribed by regulations.

Publication of
Registers and
list.

19. (1) The Registrar shall, on or before a date to be fixed in this behalf by the Council and thereafter every year, cause

to be printed and published the names for the time being entered in the registers.

- (2) The provisions of sub-sections (1) and (2) shall mutatis mutandis apply to the publication of the list prepared under section 16.

CHAPTER IV

Nurses, Auxiliary nurse midwife, Female Health worker, Female Health Assistant/Health Supervisors entitled to practise and control licensing authorities.

Licensing and Supervision.

20. (1) Subject to the provisions of this Act and the rules and regulations made thereunder, every licensing authority shall exercise general supervision and control on the nurses, auxiliary nurse midwives, female health workers, female health assistants/health supervisors practising within the area under its jurisdiction.

- (2) The licensing authority may delegate any of its powers to such officer as may be authorised in this regard.

Notice to licensing authority before commencement of practice.

- 21 (1) Every person registered under this Act who intends to practise anywhere in the National Capital Territory of Delhi as a nurse, auxiliary nurse - midwife, female health worker, female health assistant/health supervisor, shall give notice in writing to the licensing authority in the month of January and every five years thereafter during the period if he continues to practise within the said area.



Recognition of
training
institutions.

- (2) Every such notice shall contain such particulars and shall be in such form as may be prescribed.
22. (1) No nursing educational institute shall be started without the prior approval of the Council and the Government.
- (2) The Council may, by regulations specify examinations to be held as laid down by the Indian Nursing Council constituted under the Indian Nursing Council Act, 1947 (XL VIII of 1947) from time to time.
- (3) The Council may in accordance with the regulations and after inspections and such inquiry as it deems fit, recognise any institution for training of nurses, auxiliary nurse midwives, female health workers, female health assistants/health supervisors for appearing at any examination held by the Council.
- (4) No school, hospital or other institution which is not approved and recognised under this section shall issue to any person a certificate or enter the name of any person in any document purporting to show that such person is qualified by reason of having passed any examination or undergone any course of training to practise as a nurse, auxiliary nurse - midwife, female health worker, female health assistant/health supervisor unless his/her name is registered under this Act or entered in the list.

(5) No person shall issue any certificate to any person who does not fulfill the regulations of the Indian Nursing Council.

(6) No registered hospital, nursing home or diagnostic centre shall employ nursing personnel who do not possess the minimum requisite qualification laid down in the Indian Nursing Act, 1947.

Appeal against
refusal to
recognise
Institution.

23. Any person aggrieved by any decision of the Registrar under this Act including a decision refusing to approve and recognise any institution to train nurses, auxiliary nurse midwives, female health workers, female health assistants/health supervisors may appeal within sixty days from the date on which such decision is communicated to him, to the Council which shall hear and determine the appeal in the prescribed manner. The decision of the Council under this Act shall be final.

Affiliation.

24. The Council, may in accordance with the regulations and after inspection and holding such inquiry as it deems fit, affiliate to it any institution or hospital for preventive, promotive, curative and rehabilitative nursing care of clients or patients.

Withdrawal
of recognition.

25. (1) When, upon report by the Executive Committee, it appears to the Council -

(a) that the courses of study and training and the examinations to be gone through in order to obtain a recognised



qualification from any authority in any State or Union territory or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or

- (b) that an institution recognised by the Council for the training of nurses, auxiliary nurse midwives, female health workers, female health assistants/health supervisors does not satisfy the requirements of the Council,

then the Council shall send to the Government of the State/Union territory in which the authority or institution, as the case may be, is situated, a statement to such effect and the State Government/Union territory Administration shall forward it, along with such remarks as it may think fit to the authority or institution concerned and in a case referred to in clause (b) to the Council also, with an intimation of the period within which the authority or the institution may submit its explanation to that Government.

- (2) On receipt of the explanation or, where no explanation is submitted within the period

fixed, then on the expiry of the period the Government shall make its recommendations to the Council.

- (3) The Council, after such further inquiry, if any, as it may think fit to make, and in a case referred to in clause (b) of sub-section (1) after considering any remarks which the Council may have addressed to it, may declare -
- (a) in a case referred to in clause (a) of that sub-section that the qualifications granted by the authority concerned shall be recognised qualifications only when granted before a specified date, or
- (b) in a case referred to in the said clause (b) that with effect from a date specified in the declaration any person holding a recognised qualification whose period of training and study preparatory to the grant of the qualification passed at the institution concerned shall be entitled to be registered only in the State/Union territory in which the institution is situated.
- (4) The Council may declare that any qualification granted outside the Delhi by any State/Union territory shall be a recognised qualification only on or after a specified date.

CHAPTER V

MISCELLANEOUS

Penalties

26. (1) Any person who acts in contravention of the provisions of section 17 shall, on conviction be punished with fine which may extend to two thousand rupees for the first offence; to five thousand rupees for the second offence; and to ten thousand rupees for any subsequent offence. Sentence may be commensurate with the gravity of the offence.
- (2) Any person who fails to comply with the provision of sub-section (1) of section 22 shall, on conviction, be punished with fine which may extend to two thousand rupees for the first offence; five thousand rupees for the second offence; and ten thousand rupees for any subsequent offences. Such institutions shall not be considered for recognition under this Act.
- (3) Any person who fails to comply with the provisions of sub-section (4) of section 22 shall, on conviction, be punished with fine which may extend to ten thousand rupees and shall also be liable to imprisonment which may extend to three months.
- (4) Any person found issuing a certificate in violation of sub-section (5) of section 22 shall, on conviction, be punished with fine which may extend to five thousand

rupees or with imprisonment for a term which may extend to six months or with both.

- (5) Any registered hospital or nursing home or diagnostic centre found appointing any nursing personnel who does not possess the minimum requisite qualification laid down under the Indian Nursing Council Act 1947, shall, on conviction, be punished with fine which may extend to ten thousand rupees or with simple imprisonment for a term which may extend to six months or with both.

Punishment for
dishonest use of
certificates, etc.

27. Any person -

- (a) who dishonestly makes use of any certificate of registration issued under the provisions of this Act, or
- (b) who procures, or attempts to procure registration under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration or representation whether in writing or otherwise; or
- (c) who willfully makes or makes false representation in any matter relating to the register or the list or any certificate issued under the provisions to this Act; or
- (d) who knowingly or willfully makes or causes or prepares any other person to make any false statement in any notice under this Act;

shall, on conviction, be punished -

Penalty for
unlawful
assumption of
title of re-
gistered nurse,
etc.

Offences by
Companies.

- (a) for the first offence, with fine which may extend to five thousand rupees; and
- (b) for any subsequent offence, with simple imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.

28. Any person who, not being a registered nurse, auxiliary nurse midwife, female health worker, female health assistant/health supervisor takes or uses the name or title of a registered or listed nurse, auxiliary nurse-midwife, female health worker, female health assistant/health supervisor or uses any name, title, description, specified uniform, object or sign-board with the intention that it may be believed that such person is registered shall, on conviction, be liable to be punished -

- (a) for the first offence, with fine which may extend to five thousand rupees; and
- (b) for any subsequent offence, with simple imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees or with both.

29. (1) Where an offence under this Act has been committed by a company -

- (a) every person who, at the time the offence was committed was in charge of, and responsible to the company for the conduct of the business of the company; and

(b) the company,

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes of this section -

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "director" in relation to firm, means a partner in the firm.

Cognizance of offences.

30. No Court shall take cognizance of any offence under this Act except on a complaint made with the previous sanction of the Council.

Exemption of registered medical practitioners from the provisions of this Act.

31. Nothing in this Act shall apply to a registered medical practitioner.

Explanation - In this section a registered medical practitioner means a person practising medicine and registered as such under any law relating to the registration of persons practising medicine.

Power of Government to dissolve and reconstitute the Council.

32. If, at any time, it appears to the Government that the Council has failed to exercise, or exceeded or abused any of its powers conferred upon it under this Act, or failed to perform the duties conferred upon it by or under this Act, it may by an order published together with a statement of reasons therefore, in the official Gazette, dissolve the Council and in case of dissolution of the Council cause all or any of the powers, duties

and functions of the Council to be exercised, performed and discharged by an administrator who is qualified as senior nursing officer till a new Council is constituted.

Audit.

33. The accounts of the Council shall be audited in such manner as may be prescribed.

Power to
make rules.

34. (1) The Government may, by notification, in the official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Such rules may be made to provide for all or any matters expressly required or allowed by this Act to be prescribed by rules.

- (2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules for all or any of the following matters, namely:-

(a) the manner in which the President and the Vice President of the Council shall be elected under sub-section (3) of section 3;

(b) the manner in which the meetings of the Council shall be convened, held and conducted under sub-section (1) of section 5;

(c) the manner in which the members of the Executive Committee shall be elected under section 8;

(d) the manner in which the money received by the

Council shall be applied under sub-section (2) of section 12;

- (e) the procedure to be followed by the Council in disposing of appeals under sub-section (3) of section 13 and section 23;
- (f) the Form of register to be maintained under section 15;
- (g) the Form of list to be maintained under section 16;
- (h) the Form of notice to be given to the licensing authority under section 21;
- (i) the auditing of the accounts of the Council under section 33.

Power to make regulations.

35. (1) The Council may with the previous sanction of the Government, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act or the rules made thereunder to carry out the purposes of this Act.

(2) Without prejudice to the generality of the fore-going powers, such regulations may provide for -

- (a) the payment of allowances to the President and other members of the Council and to other members of the Committees;



- (b) the duties, powers, leave, suspension, removal and other terms and conditions of service of the Registrar, officers and servants of the Council and the payment of salaries or allowances to such persons;
- (c) the manner, in which the accounts of the Council shall be kept by the Registrar;
- (d) the supervisory powers of the Registrar over the staff;
- (e) the conditions and restrictions which are to be complied with and the courses of training, and examinations which are to be completed and passed by persons for registration under sub-section (1) of section 13;
- (f) the fee payable for registration under sub-section (1) of section 13, the renewal of registration under section 14 and the entry of names removed from the registers and the fee payable for such entry under sub-section (2) of section 16;
- (g) the fee payable for the copies of the orders of the Council or of the Registrar and for the supply of a copy of any entry from the register or list;

(h) prescription of regulations for affiliation under section 24;

(i) dress code for nurses.

**Repeal and
Saving.**

36. (1) As from the date of the commencement of this Act, the Punjab Nurses Registration Act, 1932 as in force in the National Capital Territory of Delhi shall stand repealed.

(2) Notwithstanding the provisions of sub-section (1) of this section -

(a) the previous operation of the provisions so repealed or anything duly done or suffered thereunder;

(b) subject to the provisions of sub-section (1) anything done or any action taken under the Act hereby repealed shall, in so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

**Removal of
difficulties.**

37. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the purposes of removing difficulty:



Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

Laying of 38
rules made
under section
34, regulations
made under
section 35 and
orders issued
under section
37 before the
House of the
Legislative
Assembly.

Every rule made under section 34, every regulations made under section 35, and every order made under section 37, of this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of the National Capital Territory of Delhi, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or regulation or order should not be made, the rule or regulation or order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or order.



(R.T.L. "D" SOUZA),

Under Secretary (L.A.).