

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

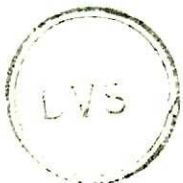
PRELIMINARY

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.

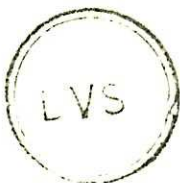


CHAPTER II

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 contained in any Act shall prevent the Council from holding an inquiry or hearing.

Fee for
renewal of
registration

14. Any person shall renew his/her registration in the manner prescribed 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 thereunder.

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