



The Punjab Nurses Registration Act, 1932

Act 1 of 1932

Keyword(s):

Council Dai, Midwife, Nurse, Auxiliary Nurse Dai, Register, Registered Medical Practitioner, Doctor, Trained Dai

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THE PUNJAB NURSES REGISTRATION ACT 1932

(Punjab Act I of 1932)

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THE PUNJAB NURSES REGISTRATION ACT, 1932 (PUNJAB ACT I OF 1932)¹

[Received the assent of His Excellency the Governor on the 14th April, 1932, and that of His Excellency the Viceroy and Governor-General on the 21st May, 1932, and first published in the Punjab Gazette, Extra., dated the 7th June, 1932].

1. For Statement of Objects and Reasons, see Punjab Gazette, 1931, Part V, p. 56-7 ; for Report of the Select Committee, see Punjab Gazette, 1932, Part V pages 3-6. The Act is applicable only in merged areas by virtue of sec. 88 of the Punjab Re-organisation Act, 1966. It was extended to erstwhile Pepsu areas by Punjab Act No. 30 of 1958.

Amended, repealed or otherwise affected by—

- (i) Punjab Act VI of 1936¹.
- (ii) Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G.G.O. 40).
- (iii) Adaptation of Laws Order, 1950.
- (iv) Adaptation of Laws (Third Amendment) Order, 1951.
- (v) Punjab Act, XVI of 1953².
- (vi) Punjab Act No. 25 of 1964, published in Punjab Gazette (Extra.), Legislative Supplement, Part I, dated the 30th September, 1964.
- (viii) A.O. 1968, published in R.H.P. dated the 1st February, 1969, pages 158—161.
- (viii) A.O. 1973, published in R.H.P. Extra., dated the 20th January, 1973 p. 91—112.

An act to provide for the registration and better training of Nurses, Health Visitors, Midwives and dais in ³[Punjab].

Preamble :

WHEREAS it is expedient to provide for the registration ⁴[and holding of examinations] of nurses, health visitors, midwives and dais in ³[Punjab] and to secure their better training, and whereas the previous sanction of the Government or General under section 80-A of the Government of India Act has been obtained; IT is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Punjab Nurses Registration Act, 1932.

(2) It extends to ⁵[the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966].

1. For Statement of Objects and Reasons, see Punjab Gazette, 1936, Part I, p. 1002.
2. For Statement of Objects and Reasons, see Punjab Government Gazette, Extra., dated 4th November, 1952, pp. 1309-10.
3. Subs. for the words "East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.
4. Ins. by Punjab Act No. XVI of 1953, sec. 2.
5. Subs. by A.O. 1968, for the word "Punjab" which was subs. for the words "East Punjab" by Adaptation of Laws Order, 1948. The words "East Punjab" had been inserted for the words "the Punjab" by Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

(3) It shall come into force on such ¹date as the ²[State Government] may notify in this behalf.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context:—

- (a) “Council” means the ³[Himachal Pradesh] Nurses Registration Council established under section 3;
- (b) “dai” means any person whether following a hereditary occupation or not, who ordinarily practices midwifery for gain and who has not passed any of the examinations in midwifery recognised by the Council;
- ⁴[(c) “health visitor” means a person who has obtained the Health Visitor’s Certificate from any Health School, institution or examining body recognised in this behalf by the Council or one who has been registered under sub-section (2) of section 14;
- (d) “midwife” means any person who has obtained a certificate or diploma of midwifery from any institution or examining body recognised by the Council in this behalf or one who has been registered under sub-section (2) of section 14;
- (e) “nurse” means a person who holds a certificate in nursing from any institution recognised in this behalf by the Council or one who has been registered under sub-section (2) of section 14;
- (f) “auxiliary nurse and midwife” means a person who has passed an examination prescribed in this behalf by the Council;]
- (g) “nurse-dai” means a trained dai who has passed the examination in nursing prescribed by the Council for nurse-dais;
- (h) “prescribed” means prescribed by this Act or by rules, regulations or bye-laws made under the Act;
- (i) “register” means a register maintained under section 15;

1. It came into force on 2nd September, 1932.

2. Subs. for the expression “Central Government” (which was subs. for “State Government” by A.O. 1968) by A.O. 1973. The word “State” was subs. for ‘Provincial’ by Adaptation of Laws Order, 1950.

3. Subs. for “Punjab” by A.O. 1973.

4. Clauses (c) (d), (e) and (f) subs. by Punjab Act No. XVI of 1953, Sec. 3.

- (j) "registered" means registered in accordance with the provisions of section 14;
- (k) "registered medical practitioner" means a person registered under the Punjab Medical Registration Act, 1916;
- (l) "trained dai" means a dai who has been granted a training certificate under the bye-laws made by the Council, or one who has been registered in accordance with the provisions of clause (d) of sub-section (1) of section 14;
- (m) "un-registered" means not registered in accordance with the provisions of section 14.

CHAPTER II

CONSTITUTION OF COUNCIL, APPOINTMENT OF OFFICE-BEARERS AND THE MAKING OF REGULATIONS

3. Constitution of the Punjab Nurses Registration Council.—(1) There shall be established a Council to be known as the ¹[Himachal Pradesh] Nurses Registration Council which shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

²(2) The Council shall consist of the following members, namely:—

- (a) the Director of Health Services, ¹[Himachal Pradesh];
- (b) eight members to be appointed by the ³[State Government] from among the persons specified in the Schedule, four of whom shall be Nursing Superintendents of the hospitals training candidates for any of the examinations conducted by the Council;
- (c) two registered nurses to be elected by the nurses registered under the Act;
- (d) one registered health visitor to be elected by the health visitors registered under the Act;
- (e) one registered midwife to be elected by the midwives registered under the Act:

1. Subs. for "Punjab" by A.O. 1973.

2. Subs. by Punjab Act No. XVI of 1953, Sec., 4(i).

3. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973, The word "State" was subs. for 'Provincial' by Adaptation of Laws Order, 1950.

Provided that, should the registered nurses or the registered health visitors or the registered midwives fail after the occurrence of a vacancy to elect a member within such period as the ¹[State Government] may by rule prescribe, the ¹[State Government] may fill such vacancy by the appointment of a registered nurse, registered health visitor or registered midwife, as the case may be].

(3) The appointment and election of member ²[***] shall be notified by the ¹[State Government].

4. Term of office of members.—(i) Except as otherwise provided in section 3 and in this section the term of office of a member of the Council other than a member appointed by virtue of his office, shall be ⁵[five] years and shall commence from the date of publication of the notification of his election or appointment.

⁴[A member other than a member appointed by virtue of office when appointed in place of a member who has for any reason, vacated his office earlier than his term, shall hold office for the remaining period of the term of the member in whose place he has been nominated or elected].

(2) The term of office of a member of the Council appointed by virtue of his office shall continue so long as he holds the office in virtue of which he is such a member.

(3) Notwithstanding anything contained in this Act, an outgoing member shall, unless the ¹[State Government] otherwise directs, continue in office until the election or appointment of his successor is notified.

(4) An outgoing member may if otherwise qualified be re-elected or re-appointed.

5. Cessation of membership.—A member of the Council shall be deemed to have vacated his seat—

(a) if he submits his resignation in writing to the President of the Council;

(b) if he has, in the opinion of the Council without sufficient excuse, been absent from three consecutive meetings of the Council;

1. Subs. for the expression 'Central Government' (which was subs. for 'State Government' by A.O. 1968) by A.O. 1973. The word "State" was subs. for 'Provincial' by Adaptation of Laws Order, 1950.

2. The words "other than those appointed by virtue of their office" omitted by Punjab Act No. XVI of 1963, Sec., 4(ii).

3. Subs. by Punjab Act XVI of 1953, Sec. 5, for "three".

4. Added by *ibid.*

- (c) if he has been absent out of India for more than one year continuously;
- (d) if in the case of a member under clause (c), (d) or (e) of sub-section (2) of section 3, he ceases to be a registered nurse, a registered health visitor or a registered midwife, as the case may be;]
- (e) if he refuses to act or becomes, in the opinion of the Council, incapable of acting, or has been declared a bankrupt or an insolvent or has been convicted of any such offence or subjected by a criminal court to any such order as implies, in the opinion of the Council, a defect of character, which unfits him to be a member.

6. Notwithstanding anything contained in this Act, the ²[State Government] may, at any time, for any reason which it may deem to affect the public interests or at the request of a majority of a two-thirds of the members of the Council, by notification, direct that the seat of any specified member, whether elected or appointed ³[***] shall be vacated on a date specified in the notification and such seat shall thereupon be vacated accordingly.

7. **Casual vacancies, how to be filled.**—(1) When the seat of an elected member becomes vacant under the provisions of section 5 or by his death, resignation or removal, a new member shall be elected in accordance with the provision of this Act.

(2) When the seat of an appointed member becomes vacant under the provision of section 5 or by his death, resignation or removal, ⁴[***] the ²[State Government], ⁴[****], shall appoint another member in his place.

8. **President and Vice-President of the Council.**—(1) ⁵[The Director of Health Services] ⁶[Himachal Pradesh] shall be the president of the Council.

(2) There shall be a vice-president of the Council elected by name from among its members at a meeting thereof.

9. **Term of office of vice-president.**—(1) The term of office of a vice-president shall be ⁷[five] years.

1. Subs. by Punjab Act No. XVI of 1953, Sec. 6.

2. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for 'Provincial' by Adaptation of Laws Order, 1950,

3. The words "by name" omitted by Punjab Act XVI of 1953, Sec. 7.

4. The words "the Medical Council or" and "as the case may be", omitted by *ibid* Sec. 8

5. Subs. by Punjab Act XVI of 1953, Sec. 9, for "Inspector General of Civil Hospitals".

6. Subs. for "Punjab" which was subs. for "East Punjab" (which had been inserted for the words "the Punjab" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948) by Adaptation of Laws Order, 1950.

7. Subs. by Punjab Act No. XVI of 1953, Sec. 10, for "three".

(2) A vice-president may resign his office by notice in writing to the president, and on his resignation being accepted by the Council the office shall become vacant.

(3) When the office of vice-president becomes vacant another member shall be elected vice-president for the remainder of the term of office of the vice-president in whose place he is elected or for the remainder of his term of office as member whichever is less.

10. Appointment of registrar and other officers or servants.—The Council shall appoint a registrar who shall also act as treasurer unless the Council appoints another person as treasurer, and may appoint such other officers or servants as it may deem necessary and every person so appointed shall subject to the rules be removable from office at the pleasure of the Council and shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

11. Quorum.—The quorum necessary for the transaction of business at a meeting of the Council shall be such number or proportion of the members of the Council as may, from time to time, be fixed by the regulations but shall not be less than five:

Provided that, if at any meeting of the Council, a quorum is not present the president shall adjourn the meeting and the business which would have been brought before the original meeting shall be brought before and transacted at the adjourned meeting whether there be a quorum present or not.

12. Power to make regulations.—(1) The Council may make regulations consistent with this Act and with the rules made thereunder to provide for all or any of the following matters, namely:—

- (a) the time and place of its meetings;
- (b) the manner in which notice of a meeting shall be given;
- (c) the conduct of business at a meeting, the record of proceedings and the adjournment of meetings;
- (d) the quorum necessary for the transaction of business at a meeting;
- (e) the appointment and constitution of sub-committees for any purpose relating to any matter with which the Council is empowered to deal and the co-option of persons specially qualified to advise on any particular matter;
- (f) the payment of fees and travelling allowance to members for attendance at meetings of the Council;
- (g) the custody of the common seal and the purpose for which it shall be used;

(h) the person by whom receipts shall be granted on behalf of the Council for money received under this Act;

(i) the appointment, duties, executive power, leave, suspension and removal of its officers and servants and the payment of salaries or allowances to such persons.

(2) No regulation made under the provisions of sub-section (1) shall take effect until it has been confirmed by the ¹[State Government] and published in the ²[Official Gazette].

13. Vacancies and irregularities not to invalidate proceedings.—No act or proceeding of the Council shall be invalid by reason only of the existence of a vacancy in the Council or on account of any defect or irregularity not affecting the merits of the case.

CHAPTER III

REGISTRATION OF NURSES, HEALTH VISITORS, MIDWIVES, NURSE-DAIS, TRAINED DAIS AND DAIS.

14. (1) Every person who complies with such conditions and restrictions as may be prescribed by the Council and—

(a) has undergone the necessary course of training or passed the examination, if any, prescribed for nurses, health visitors, midwives, nurse-dais ³[auxiliary nurses and midwives], or trained dais, or

(b) is registered as a nurse or midwife ⁴[or health visitor] by any association which is recognised by the ⁵[Council], or

(c) is able to satisfy the Council that he has anywhere in India undergone a course of training or passed an examination, similar to the course of training and examination referred to in clause (a) and recognised by the ⁵[Council],

(d) is already employed or practising in Punjab as a dai, or is doing the same work as a nurse, health visitor, midwife, nurse-dai or trained dai, when this Act comes into force,

may apply to the registrar to have his name registered :

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. by The word 'State' was subs. for 'Provincial' by Adaptation of Laws, Order 1950.

2. Subs. for the word "Gazette" by the Govt. of India (Adaptation of Indian Laws) Order, 1937.

3. Ins. by Punjab Act No. XVI of 1953, Sec., 11(a) (i).

4. Ins. by *ibid*, sec. 11(a) (iii).

5. Subs. for "Provincial (State) Government" by Punjab Act No. XVI of 1953, Sec. 11(a) (ii).

Provided that an application from a person who claims to be registered under clause (d) shall not be entertained unless it is received within ¹[five years] from the date on which this Act comes into force.

(2) (a) If the registrar is satisfied that any nurse, health visitor, midwife, nurse-dai, ²[auxiliary nurse and midwife], or trained dai applying under clause (a) or clause (b) of sub-section (1) is entitled to be registered he shall on payment of such fees as may be prescribed, enter the name of such nurse, health visitor, midwife, nurse-dai, ²[auxiliary nurse and midwife] or trained dai in the prescribed register.

(b) if the registrar is satisfied that any person applying under clause (c) or clause (d) of sub-section (1) is entitled to be registered as a nurse, health visitor, midwife, nurse-dai ²[auxiliary nurse and midwife], or trained dai, as the case may be, he shall lay the application before the Council with a recommendation that he be permitted to enter the name of such person in the prescribed register, and shall not make any entry in the prescribed register in respect of such person until the entry is permitted by the Council to be made :

Provided that —

(i) the registrar on receiving an application under clause (a) or clause (b) of sub-section (1) from any person in respect of whom he considers that the Council may wish to exercise its powers of refusal under clause (ii) of this proviso may refer the said application to the Council or to any sub-committee appointed by the Council for that purpose and shall not make an entry in the register in respect of such person until the entry is permitted by the Council to be made ;

(ii) the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the opinion of the Council any defect of character such as would render him unfit for duty or who after an enquiry at which opportunity has been given to such person to be heard in person or by pleader has been held by the Council to have been guilty of any professional conduct or ³[* * *] not to possess satisfactory professional qualifications ;

1. Subs. for the words "three years" by Punjab Act No. VI of 1936, Sec. 2.

2. Ins. by Punjab Act No. XVI of 1953, Sec. 11(b) (i).

3. The words "in the case of person applying under clause (c) or clause (d) of sub-section (1) is held by the Council" omitted by Punjab Act No. XVI of 1953, see 11(b) (ii).

¹[(iii) the Council may, at any time, issue a warning to or direct the removal of the name of a registered person for any of the reasons for which it could refuse to permit the registration of such person after an enquiry at which opportunity has been given to such person to be heard in person or by a counsel :]

Provided further that an appeal may be preferred to the ²[State Government] from an order of the Council passed under ³[* * *] the first proviso to this sub-section if such appeal is made within one month, ⁴[for such period as may be extended on sufficient cause shown for not preferring the appeal within time from the date of receipt of the registered notice intimating that the Council has refused to permit the registration or has removed the name of such person].

(3) If the registrar is not satisfied that such nurse, health visitor, midwife, nurse-dai, ⁵[auxiliary nurse and ⁶midwife], trained dai or dai is entitled to be registered he shall reject the application provided that an appeal shall lie to the Council from such an order of the registrar if such appeal is preferred within one month from the date of despatching by registered post a notice addressed to the applicant at the address from which the application was sent intimating that such application has been rejected.

(4) For the purpose of an enquiry under ⁶[* * * *] the first proviso to sub-section (2) or of any appeal under sub-section (3) 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, and such enquiry or appeal shall be conducted, so far as may be in accordance with the provisions of section 5 and sections 8 to 20 of the Public Servants (Inquiries) Act, 1850 ; provided that nothing contained in any Act shall prevent the Council from holding an enquiry or hearing any appeal *in camera* :

Provided further that the Council may direct that any such enquiry or appeal shall be heard by a committee of the Council composed of such members of the Council as the Council may direct.

15. Registers to be maintained.—(1) The registrar shall maintain the following registers:—

(a) a register showing the name and address of each registered nurse in ⁷[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966] ;

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1. Added by *ibid*, Sec. 11(b) (iii).
 2. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for "Provincial" by Adaptation of Laws Order, 1950.
 3. The word "clause (ii) of" omitted by Punjab Act No. XVI of 1953, Sec. 11(b) (iv).
 4. Subs. by *ibid*.
 5. Ins. by *ibid*, Sec. 11(c).
 6. The words "clause (ii) of", omitted by *ibid*, Sec. 11(d).
 7. Subs. by A. O. 1968 for the word "Punjab" which had been subs. for "East Punjab" by Adaptation of Laws Order, 1950.

- (b) a register showing the name and address of each registered health visitor in ¹[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966] ;
- (c) a register showing the name and address of each registered mid-wife in ¹[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966] ;
- (d) a register showing the name and address of each registered nurse-dai in ¹[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966] ;
- (e) a register showing the name and address of each registered trained dai in ¹[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966] ;
- ²[(f) a register showing the name and address of each registered auxiliary nurse and mid-wife in ¹[the territories specified in sub-section (1) of section 5 of the Punjab Re-organisation Act, 1966].

(2) The registrar shall keep the registers in accordance with the provisions of this Act and of any rules or bye-laws made thereunder and shall from time to time make all necessary alterations in the names and addresses of such nurses, health visitors, midwives, nurse-dais ³[auxiliary nurses and midwives], or trained dais and remove the name of any such person who is dead.

(3) To enable the registrar to fulfil the duties imposed upon him by sub-sections (1) and (2) he may send through the post a registered letter to any person registered as a nurse, health visitor, midwife, nurse-dai, ⁴[auxiliary nurse and midwife], or trained-dai, addressed according to his registered address for the purpose of enquiring whether he has ceased to practise or whether his residence or address has been changed, and if no answer to any such letter is received within a period of six months from its despatch the registrar may remove the name of such person from the prescribed register :

1. Subs. by A.O. 1968, for the word "Punjab" which had been subs. for "East Punjab" by Adaptation of Laws Order, 1950.

2. Clause (f) added by Punjab Act No. XVI of 1953, Sec. 12(i).

3. Ins. by Punjab Act No. XVI of 1963, Sec. 12(ii).

4. Ins. by *ibid*, Sec. 12(iii).

¹[Provided that any name removed under this Act may, on representation made in this behalf, be re-entered in the register, subject to such conditions and payment of fees as may be specified in the direction of the Council, or the appellate authority if an appeal was preferred against the order of removal].

(4) Any entry in the registers which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made shall be removed or corrected in pursuance of a resolution of the Council.

16. Annual lists of nurses, health visitors, midwives, nurse-dais and trained dais.—(1) The registrar shall ²[* * *] on or before a date to be fixed in this behalf by the Council, cause to be printed and published correct lists of the names for the time being entered in the registers setting forth—

- (a) the names entered in the respective registers, arranged in alphabetical order ;
- (b) the registered address of each person whose name is entered in the register ; 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 so entered is not registered under this Act :

Provided that in the case of any person whose name does not appear in such lists, a certified copy signed by the registrar, of the entry of the name of such person in the registers shall be conclusive evidence that such person is registered under this Act :

Provided further that a certificate purporting to be signed by the registrar stating that the name of a person has been removed from such register and specifying the date of such removal shall be conclusive proof of the fact and date of such removal.

17. Power to prohibit unregistered persons from practising.—(1) Any local authority may make bye-laws prohibiting un-registered persons from practising as nurses, health visitors, midwives, nurse-dais, ³[auxiliary nurses and midwives], trained dais or dais within the area subject to its authority and may in such bye-laws provide that any person practising in contravention of such bye-laws or any person committing or abetting the commitment of a breach of any such bye-laws shall be liable on conviction ⁴[by a Judicial Magistrate of the first class], to a fine not exceeding fifty rupees for a first offence, or to a fine not exceeding two hundred and fifty rupees for a second or subsequent offence.

1. Subs. by Punjab Act, XVI of 1953, Sec. 12 (iii).

2. The words "in every year" omitted by Punjab Act XVI of 1953 Sec. 13.

3. Ins. by *ibid*, Sec. 14.

4. Subs. for the words "by a Magistrate of the First Class" by Punjab Act No. 25 of 1964.

(2) If any local authority fails to make bye-laws under sub-section (1), the ¹[State Government] may, by notification, prohibit unregistered persons from practising as nurses, health visitors, mid-wives, nurse-dais, ²[auxiliary nurses and midwives], trained dais or dais within the area subject to such local authority and any unregistered person practising in contravention of such notification shall be liable, on conviction ³[by a Judicial Magistrate of the first class], to a fine not exceeding fifty rupees for a first offence, or to a fine not exceeding two hundred and fifty rupees for a second or subsequent offence.

⁴(3) Notwithstanding anything to the contrary in any enactment, rule, bye-law or other provision of law for the time being in force, no person other than a registered nurse, a registered health visitor, a registered mid-wife, a registered trained dai or dai shall be competent to hold any appointment or be employed as such in any hospital, asylum, infirmary, dispensary, lying-in-hospital, nursing home, maternity home, health centre or other such institution, private or public, whether supported by voluntary contributions or not.]

18. Power to make bye-laws.—The Council may, after previous publication, make bye-laws—

- (a) to prescribe the courses of training of, and qualifications for the registration of, nurses, health visitors, midwives, nurse-dais, ²[auxiliary nurses and midwives], or trained dais, and to provide for the recognition of institutions competent to give such training ;
- (b) to regulate the issue of certificates, the maintenance of registers and the conditions of admission of names of person to such registers and to prescribe the form of application for such admission and the uniform or badge to be worn by registered nurses, registered mid-wives, registered nurse-dais ⁵[registered auxiliary nurses and midwives], registered trained dais while on duty ;
- (c) to prescribe the fees for registration and the re-entry of names removed from the registers ;

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for "Provincial" by Adaptation of Laws Order, 1950.

2. Ins. by Punjab Act No. XVI of 1953, Sec 14.

3. Subs. for the words "by a Magistrate of the first Class" by Punjab Act No. 25 of 1964.

4. Added by Punjab Act, XVI of 1953.

5. Ins. by *ibid*, sec. 15

- d) to regulate the publication of lists of registered nurses, registered health visitors, registered midwives, registered nurse, dais ¹[registered auxilliary nurses and mid-wives], or registered trained dais ;
- ²[(e) to regulate the conduct of and prescribe fees for examination of nurses, health visitors, mid-wives, nurse-dais, auxiliary nurses and midwives, nurse-dais and trained dais ;
- (f) to confer, grant or issue diplomas, licences, certificates or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise or otherwise work as nurse, midwife, auxiliary nurse and mid-wife, health visitor, nurse dai, or trained dai ;
- (g) to prescribe fees for the affiliation of institutions recognised as training schools for nurses, midwives, nurse-dais, auxiliary nurses and mid-nurse-dai or trained dai ;
- (h) to prescribe the scale of fees, remuneration and travelling allowance to Examiners, Supervisors, invigilators and other persons appointed by the Council for the conduct of examination ;
- (i) to prescribe the prices of publications of the Council ;
- (j) to regulate the conduct of registered persons].

19. Confirmation and publication of bye-laws.—(1) No bye-law made under ³[sections 17 and 18] shall come into force until six weeks after it has been confirmed by the ⁴[State Government] and published in the ⁵[Official Gazette].

(2) The ⁴[State Government] may cancel its confirmation of any such bye-law and thereupon the bye-law shall cease to have effect.

20. Power of Government to make rules.—(1) The ⁴[State Government] may, after previous publication, make rules to carry out the purposes of this Act.

1. Ins. by *ibid*, Sec. 15.

2. Clauses (e), (f), (g), (h), (i) and (j) added by *ibid*.

3. Subs. for the words and figures "sections 16 and 17" by Punjab Act, VI of 1936.

4. Subs. for "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The word "State" was subs. for the word "Provincial" by Adaptation of Laws Order, 1950.

5. Subs. for the word 'Gazette' by the Government of India (Adaptation of Indian Laws) Order, 1937.

(2) In particular, and without prejudice to the generality of the foregoing power, the ¹[State Government] may make rules—

- (a) to regulate elections under section 3 ;
- (b) to prescribe the form of the registers to be maintained under section 15 ;
- (c) to regulate and restrict within due limits the practice of registered nurses, registered health visitors, registered midwives, registered nurse-dais, ²[registered auxiliary nurses and midwives] or registered trained dais ;
- (d) to regulate the procedure to be followed by the Council—
 - (i) in making a re-entry in the registers of the names of persons removed from such registers, and in withdrawing an order of suspension of practice passed on a registered nurse, registered health visitor, registered midwife, registered nurse-dai. or registered trained dai ; and
 - (ii) in disposing of appeals from the decisions of the registrar made under section 14 ; and
 - (iii) in regulating the application of fees levied under this Act and of other moneys received by the Council for the purpose of this Act ;
- (e) to regulate the expenditure of the Council and to provide for the audits of its accounts.

21. Bar to suits in respect of acts done under this Act.—No act done in the exercise of any power conferred by this Act on the ¹[State Government] or the Council or the registrar, shall be questioned in any civil court.

22. Exemption of registered medical practitioners from provisions of this Act.—Nothing in this Act shall apply to registered medical practitioners.

23. Penalty for dishonest use of certificate, etc.—Any person who—

- (a) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person, or
- (b) 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, 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,

1. Subs. for 'Central Government' (which was subs. for 'State Government' by A. O. 1968) by A.O. 1973, The word 'State' was subs. for the word 'Provincial' by Adaptation of Laws Order, 1950.

2. Ins. by Punjab Act No. XVI of 1953 Sec. 16.

shall on conviction ¹[by a Judicial Magistrate of the first class], be punishable with fine which may extend to three hundred rupees.

²[24. **Penalty for unlawful assumption of title or registered nurse, health visitor, midwife, nurse-dai or trained dai.**—Any person who, not being a registered nurse, or a registered health visitor, or a registered midwife, or a registered nurse-dai or a registered auxiliary nurse and midwife, or a registered trained dai, assumes or uses the name or title of a registered nurse or a nurse, a registered health visitor or a health visitor, a registered midwife or a midwife, a registered auxiliary nurse and midwife, or an auxiliary nurse and midwife, a registered trained dai or a trained dai, as the case may be, or uses any name, title, addition, description or signboard implying that such person is registered, or in any manner regulates the conduct of examinations or confers or grants diplomas or certificates except as provided in this Act or the rules or bye-laws made thereunder, shall, on conviction ¹[by a Judicial Magistrate of the first class], be liable to a fine not exceeding two hundred and fifty rupees in the case of a first offence and for a second or any subsequent offence, to a fine not exceeding five hundred rupees or imprisonment of either description for six months or both.]

25. Bar to prosecution under the Act.—(1) No court shall take cognizance of any offence punishable under this Act except on complaint made with the previous sanction of the Council.

³[(2) A complaint under this section shall be lodged by the Registrar in the court of competent jurisdiction within the district in which the office of the Council is located.

(3) The ⁴[State Government] may, from time to time, by notification, add to, amend, vary or rescind an entry in the Schedule].

⁵[THE SCHEDULE

(Section 3)

- (1) Nursing Superintendent, V.J. Hospital, Amritsar.
- (2) Nursing Superintendent, Memorial Mission Hospital, Ludhiana.
- (3) Nursing Superintendent, Francis Newton Hospital, Ferozepore.
- (4) Nursing Superintendent, Lady Reading Hospital, Simla.
- (5) Honorary District Secretary, Trained Nurses Association of India, ⁶[Punjab].
- (6) The Principal, Punjab Medical School for Women, Ludhiana.
- (7) The Principal, East Punjab Health School.

1. Subs. for the words "by a Magistrate of the first Class" by Punjab Act 25 of 1964.

2. Subs. for the old Section by Punjab Act No. XVI of 1953, sec. 17.

3. Sec. 25 numbered as sub-section (1) and sub-sections (2) and (3) added by Punjab Act No. XVI of 1953, Sec. 18.

4. Subs. for the expression "central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973. The words 'State' was subs. for 'Provincial' by Adaptation of Laws Order, 1950.

5. Subs. for the old schedule by Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G.G.O. 40).

6. Subs. for the old schedule by Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G.G.O. 40).

by Adaptation of Law Order, 1950. Now Himachal Pradesh, vide A.O. 1973.

- (8) The Deputy Directress of Public Instruction, ¹[Punjab].
- (9) The Professor of Midwifery, Glancy Medical College, Amritsar.
- (10) A nominee of the Delhi ²[State].
- (11) A woman Assistant Surgeon in the service of the ³[State Government].
- (12) A member to be nominated by the Executive Committee of the Saint John Ambulance Association, ¹[Punjab].
- (13) Two members who have been connected with a teaching Medical Institution.
- (14) Lady Superintendent, St. John's Ambulance Brigade, ¹[Punjab].