



The Tamil Nadu Nurses and Midwives Act, 1926

Act 3 of 1926

Keyword(s):

Council, Dhai, Nurse, Register

Amendment appended: 26 of 1960

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THE TAMIL NADU NURSES AND MID-
WIVES ACT, 1926.

TABLE OF CONTENTS.

PREAMBLE.

SECTIONS :

1. Short title ; extent ; commencement.
2. Definitions.
3. Constitution of the Council and the term of office of members.
4. Effect of failure to attend meetings of the Council.
5. Registration of nurses, midwives, health visitors and auxiliary nurse-midwives.
- 5-A. Nurses and midwives registered under Travancore-Cochin Act X of 1953 deemed to be registered under this Act.
6. Registration of dhais.
7. Removal and restoration of names.
- 7-A. Special provision for amending the register of nurses, register of midwives and register of dhais.
8. Appeal from Council to Tribunal.
9. Appeal to the State Government against refusal by the Council to approve training institution or person.
10. Disabilities of unregistered persons.
11. Rules by the State Government.
12. By-laws by the Council.
- 12-A. Prohibition of unauthorized conferment.
13. Penalty for dishonest use of certificate for procuring registration by false means and for falsification of register or certificate.
14. Penalty for posing as registered nurse, midwife or dhai by a person who is not such.
15. Magistrates empowered to try offences under this Act.

[TAMIL NADU] ACT No. III OF 1926¹.[THE ¹(TAMIL NADU) NURSES AND MIDWIVES ACT, 1926.]

(Received the assent of the Governor on the 7th May 1926, and that of the Governor-General on the 9th June 1926 ; the assent of the Governor-General was first published in the Fort St. George Gazette of the 29th June 1926.)

[An Act to provide for the registration of nurses, midwives, health visitors, auxiliary nurse-midwives and dhais in the ¹[State of Tamil Nadu].

WHEREAS it is expedient to provide for the registration of nurses, midwives, health visitors, auxiliary nurse-midwives and dhais in the ¹[State of Tamil Nadu]; It is hereby enacted as follows :—]

Short title.

1. (1) This Act may be called the ¹[Tamil Nadu] Nurses and Midwives Act, 1926.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see Part IV of the Fort St. George Gazette, dated the 15th July 1924, pages 123-124 ; for Report of the Select Committee, see Proceedings of the Madras Legislative Council, Volume XXIX, pages 920-932 ; for Proceedings in Council, see *ibid.*, Volume XIX, pages 494-497, Volume XXII, page 257, Volume XXVII, pages 512-528, and Volume XXIX, pages 890-902.

The Act came into force on the 14th February 1928.

The Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act, as was in force immediately before the date of the commencement of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960), and as amended by the said Act, was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 15 of the said Act.

³ This long title and preamble were substituted for the original long title of, and the preamble to, the Tamil Nadu Act III of 1926 by section 2 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

⁴ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

(2) It shall extend to the whole of the ¹[State of Extent. Tamil Nadu].

(3) It shall come into force on such date as the ²Commencement [State Government] may, by notification, appoint.

2. In this Act, unless there is anything repug- Definitions, nant in the subject or context—

(a) 'Council' means 'the ³[Tamil Nadu Nurses and Midwives Council] established under this Act'.

(b) 'Dhai' means 'an untrained woman practising the profession of midwifery'.

(c) 'Nurse' includes a male nurse.

(d) 'Prescribed' means 'prescribed by rules or by-laws made under this Act'.

⁴[(e) 'Register' means a register maintained under this Act and 'registered' means registered or deemed to be registered under this Act.]

¹ The words "State of Madras" were substituted for the words "Presidency of Madras" by section 3 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960); and the expression "State of Tamil Nadu" was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ This expression was substituted for the expression "Madras Nurses and Midwives Council" by paragraph 4 of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.

⁴ This clause was substituted for original clause (e) by section 4 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

Constitution
of the Council
and the term of
office of the
members.

3. (1) A Council, called the '1[Tamil Nadu Nurses and Midwives Council],¹ shall be constituted for the 2[State of Tamil Nadu], consisting of—

³[(a) the Director of Medical Services ;

(b) three officers of the Public Health Department of Government, nominated by the State Government, of whom one shall be a nurse ;]

⁴[(b) an officer of the Medical Department of Government, nominated by the 5[State Government];

⁶[(c) the 7[Dean] of the General Hospital, Madras ;

⁸[(d) the Superintendent of the Government Hospital for Women and Children, Madras;

¹ This expression was substituted for the expression " Madras Nurses and Midwives Council " by paragraph 4 of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970.

² The words "State of Madras " were substituted for the words " Presidency of Madras " by section 5 (i) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960); and the expression " State of Tamil Nadu " was substituted for the expression "State of Madras " by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

³ These clauses were substituted for clauses (a) and (b) by section 5 (ii) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

⁴ This clause was inserted after clause (b) of sub-section (1) of section 3 by section 2 of the Madras Nurses and Midwives (Amendment) Act, 1942 (Madras Act XXIII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁶ Original clauses (b), (c), (d), (e), (f), (g) and (h) were re-lettered as clauses (c), (d), (e), (f), (g), (h) and (i) respectively by section 2 (1) (a) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934).

⁷ This word was substituted for the word " Superintendent " by section 5 (iii) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

¹[(e)] one Registered Medical Practitioner nominated by the ²[State Government] ;

¹[(f)] ³[one Registered Medical Practitioner], nominated by the Medical Council established under sub-section (1) of section 5 of the ⁴[Tamil Nadu] ⁴[Tamil Nadu] Medical Registration Act, 1914 ; ⁴Act IV of 1914.

¹[(g)] the ⁵[Nursing] Superintendent of the General Hospital, Madras, and the ⁵[Nursing] Superintendent of the Government Hospital for Women and Children, Madras ;

¹[(h)] ⁶[two registered nurses] elected by the registered nurses and one registered midwife elected by the registered midwives in the manner prescribed ; ⁶[.....]

¹ Original clauses (b), (c), (d), (e), (f), (g) and (h) were re-lettered as clauses (c), (d), (e), (f), (g), (h) and (i) respectively by section 2(i)(a) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934).

² The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

³ These words were substituted for the words " two Registered Medical Practitioners, one of whom shall be a woman " by section 2 (i) (b) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934).

⁴ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁵ This clause was substituted for the original clause by section 2 (i) of the Madras Nurses and Midwives (Amendment) Act, 1941 (Madras Act XVI of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

⁶ This word was substituted for the word " Matron " by section 5 (iv) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

⁷ These words were substituted for the words " one registered nurse " by section 2(ii) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934).

⁸ The word " and " was omitted by section 2 (i) (c), *ibid.*

^a [(i)] one member, being a person registered under this Act, elected in the manner prescribed by such of the members of the Trained Nurses' Association of India as are so registered ;

^b [(j)] one member, being a person registered under this Act, elected in the manner prescribed by such of the members of the Nurses' Auxiliary of the Christian Medical Association of India (South India Branch) as are so registered ; and]

^c [(k)] two non-officials, not of the classes referred to above, one of whom shall be a woman, nominated by the ^d [State Government].

^e [The Director of Medical Services] shall be the President of the Council.

^f [.....]

(2) The members of the Council other than members ex-officio shall hold office for a term of three years ^g [.....].

¹ Clauses (i), (j) and (k) were inserted by section 2 (f) (d) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934).

² Original clause (j) was omitted and clauses (k) and (l) were re-lettered as clauses (j) and (k) by section 2 (iii) of the Madras Nurses and Midwives (Amendment) Act, 1941 (Madras Act XVI of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "The Surgeon-General" by section 5 (v) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

⁵ The following proviso to section 3(1) was omitted by section 2(i)(e) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934) :—

" Provided that for a period of one year from the commencement of this Act, the two matrons referred to in clause (f) shall be nominated by the Surgeon-General, and the nurse and the midwife referred to in clause (g) shall be nominated by the Local Government "

⁶ The following words and figures were omitted by section 2 (ii), *ibid.*—

" except members nominated under the proviso to sub-section (1) who shall hold office till the expiry of one year from the commencement of this Act."

(3) If the place of a member of the Council becomes vacant by the expiration of his term of office or by death, or by resignation or otherwise, the vacancy shall be filled in the manner provided for the filling of the vacancy by sub-section (1).

(4) An outgoing member of the Council shall be eligible for re-election or re-nomination.

(5) The powers of the Council may be exercised notwithstanding any vacancy in the Council.

4. A member who fails to attend three consecutive meetings of the Council shall cease to be a member unless restored by the Council at its next meeting. Effect of failure to attend meetings of the Council.

15. (1) The Council shall maintain a register of nurses, midwives, health visitors and auxiliary nurse-midwives and in such register shall be entered the names of all nurses, midwives, health visitors and auxiliary nurse-midwives, who have undergone the course of training and passed the examinations and fulfil the conditions prescribed. Registration of nurses, midwives, health visitors and auxiliary nurse-midwives.

(2) The register referred to in sub-section (1) shall consist of such parts and shall be maintained in such manner as may be prescribed.]

15-A. (1) Notwithstanding anything contained in this Act, any person registered under the Travancore-Cochin Nurses and Midwives Act, 1953 (Travancore-Cochin Act X of 1953), who, immediately before the first day of November 1956, was holding any appointment as nurse or midwife in any hospital, dispensary or infirmary not supported entirely by voluntary contributions in the transferred territory or who, immediately before the said day, was practising as nurse or midwife in that territory Nurses and midwives registered under Travancore-Cochin Act X of 1953 deemed to be registered under this Act.

¹ This section was substituted for the original section 5 by section 6 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

* This section was inserted by section 7, *ibid.*

shall, subject to the provisions of section 7, be deemed to be registered as a nurse or, as the case may be, a midwife under this Act.

Explanation.—For the purpose of this sub-section, the expression ‘transferred territory’ shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

(2) The Council shall, subject to such conditions and restrictions as may be prescribed, enter in the register referred to in sub-section (1) of section 5 the name of any person who, under sub-section (1) of this section, is deemed to be registered under this Act.]

Registration
of dhais.

6. The Council shall maintain a register of dhais, admission to which shall be regulated by such conditions and restrictions as may be prescribed.

Removal and
restoration of
names.

7. Subject to such conditions and in such manner as may be prescribed, the Council may refuse to enter the name of ¹[any nurse, midwife, health visitor, auxiliary nurse-midwife or dhai] in the register or remove the name of ¹[any nurse, midwife, health visitor, auxiliary nurse-midwife or dhai] from the register or restore thereto the name of ¹[any nurse, midwife, health visitor, auxiliary nurse-midwife or dhai] so removed.

Special
provision for
amending the
register of
nurses, register
of midwives and
register of dhais.

²[7-A. (1) Notwithstanding anything contained in this Act, the Council may, by order in writing, amend the register of nurses, register of midwives or register of dhais by deleting therefrom the name of any person who, by reason of the alteration of boundaries under the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), has ceased to reside or practise in the ³[State of Tamil Nadu].

¹ These words were substituted for the words “any nurse, midwife or dhai” by section 8 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

² This section was inserted by paragraph 3 of, and the Schedule to, the Madras Adaptation of Laws Order, 1961.

³ This expression was substituted for the expression “State of Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

The Council may likewise amend the said register by adding thereto the name of any person whose residence or place of practice has, by reason of the said alteration of boundaries, become part of the ¹[State of Tamil Nadu]:

Provided that the Council may, before passing an order, make such inquiry as it deems necessary.

(2) Any person aggrieved by an order under sub-section (1) may appeal to such authority and within such time, as may be specified in this behalf by the State Government and such authority shall pass such order on the appeal as it thinks fit.

(3) An order of the Council under sub-section (1), or where an appeal has been preferred against it under sub-section (2), the order of the appellate authority, shall be final.

(4) The provisions of this section shall cease to be in force from such date as the State Government may, by notification appoint.]

8. (1) ²[Any nurse, midwife, health visitor, auxiliary nurse-midwife or dhai] aggrieved by an order of the council under section 7 may, within three months from the date on which notice of such order is given, appeal against the order of the Council. Appeal from Council to Tribunal.

(2) Such appeal shall be heard by a Tribunal of three persons selected in rotation—

(a) One from a panel of not less than six persons of not less than twelve years' experience as a Magistrate or Civil Judge nominated by the ³[State Government];

¹ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² These words were substituted for the words "Any nurse, midwife or dhai" by section 9 (i) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincia" by the Adaptation Order of 1950.

(b) One from a panel of not less than six registered medical practitioners selected in the prescribed manner by the Medical Council established under subsection (1) of section 5 of the ¹[Tamil Nadu] Medical Registration Act, 1914 ; and

¹[Tamil Nadu] Act IV of 1914.

(c) One from a panel of not less than six registered nurses holding both general and maternity certificates and selected in the prescribed manner by the registered ²[nurses, midwives, health visitors and auxiliary nurse-midwives].

(3) The order of the Tribunal shall be final.

Appeal to the State Government against refusal by the Council to approve training institution or person.

9. Any person aggrieved by the refusal of the Council to approve any institution or person under any rules relating to training made under this Act, may appeal against the refusal to the ³[State Government] and the ³[State Government] may give such directions as they think proper and the Council shall comply with the directions so given.

Disabilities of unregistered persons.

10. (1) Except with the special sanction of the ⁴[State Government], no person shall, after the expiry of three years from the commencement of this Act, be competent to hold any appointment as ⁴[nurse, midwife, health visitor or auxiliary nurse-midwife] in any hospital, dispensary, or infirmary not supported entirely by voluntary contributions unless such person is registered as ⁴[nurse, midwife, health visitor or auxiliary nurse-midwife] under this Act.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1960, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1960.

² These words were substituted for the words "nurses and midwives" by section 9 (ii) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "nurses or Midwife" by section 10 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

¹[*Explanation.*—In relation to a health visitor or auxiliary nurse-midwife, the expression ‘commencement of this Act’ in this sub-section shall be construed as referring to the date of the coming into force of the ²[Tamil Nadu] Nurses and Midwives (Amendment) Act, 1960.]

(2) After the expiry of one year from the commencement of this Act, no subsidy shall be paid by the ³[State Government] or by a local authority to any medical practitioner who employs a dhai other than a registered dhai.

11. (1) The ³[State Government] may, after previous publication, make rules to carry out all or any of the purposes of this Act not inconsistent therewith. Rules by the
State Govern-
ment.

(2) In particular, and without prejudice to the generality of the foregoing power, they may make rules—

(a) regulating the conduct of the elections of members of the council ;

(b) regulating the conditions of admission to the register ;

⁴[(bb) prescribing the conditions and restrictions subject to which the Council shall enter in the register referred to in sub-section (1) of section 5, the name of any person under sub-section (2) of section 5-A ;]

(c) regulating the conduct of any examinations which may be prescribed as a condition of admission to the register, and any matters ancillary to or connected with such examinations ;

¹ This *explanation* was added by section 10 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

² These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

³ The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

⁴ This clause was inserted by section 11 (1) (a) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

(d) prescribing the causes for which, the conditions under which and the manner in which, the¹[nurses, midwives, health visitors, auxiliary nurse-midwives and dhais] may be removed from the register and the procedure for restoration to the register of ¹[nurses, midwives, health visitors, auxiliary nurse-midwives and dhais] who have been removed therefrom;

(e) regulating the selection of the panels and the constitution of the Tribunal specified in sub-section (2) of section 8 and the procedure to be followed by the Tribunal ;

(f) prescribing the fees to be paid in respect of an appeal under this Act ;

(g) determining the manner in which all fees levied under this Act and all moneys received by the Council shall be applied for the purposes of this Act.

²[(3) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.]

By-laws by
the Council.

12. (1) The Council may make by-laws not inconsistent with this Act or any other law—

(a) for regulating the compilation, maintenance and publication of the register ;

(b) for regulating and supervising the practice of their profession by registered ³[nurses, midwives, health visitors, auxiliary nurse-midwives and dhais];

¹ These words were substituted for the words "nurses, midwives and dhais" by section 11(i)(b) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

² This sub-section was added by section 11 (ii), *ibid.*

³ These words was substituted for the words "nurses, midwives and dhais" by section 12, *ibid.*

(c) for regulating the publication of the names of registered ¹[nurses, midwives, health visitors, auxiliary nurse-midwives and dhais] and their residences ;

(d) for prescribing the rates of fees to be charged for examinations prescribed for admission to the register and for registration ;

(e) for regulating the summoning of meetings of the Council and its proceedings ; and

(f) for regulating the expenditure of the Council and providing for the audit thereof.

(2) No by-law made by the Council shall come into force until it has been confirmed by the ²[State Government] with or without modification or amendment.

(3) Every such by-law shall, when so confirmed, be published.

³[12-A. (1) Save as provided in this Act or the rules or by-laws made thereunder, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified to practise the profession of a registered nurse, midwife, health visitor, auxiliary nurse-midwife or dhai. ^{Prohibition of unauthorised conferment}

(2) Whoever contravenes the provisions of subsection (1) shall be punishable with fine which may extend to one thousand rupees ; and if the person so

¹ These words were substituted for the words " nurses, midwives and dhais " by section 12 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

² The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

³ This section was inserted by section 13 of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

contravening is an association, every member of such association who knowingly and wilfully authorizes or permits the contravention, shall be punishable with fine which may extend to five hundred rupees.]

13. Any person who—

Penalty for dishonest use of certificate for procuring registration by false means and for falsification of register or certificate.

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

(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 false representation in any matter relating to the register or the certificates issued under the provisions of this Act,

shall be punishable with fine not exceeding two hundred and fifty rupees.

Penalty for posing as registered nurse, midwife or dhai by a person who is not such.

14. (1) Any person, who, not being a ¹[registered nurse or health visitor] takes or uses the name or title of ¹[registered nurse or health visitor] or uses any name, title, description, uniform, badge or signboard, with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a ¹[registered nurse or health visitor] shall be punishable with fine not exceeding one hundred rupees.

(2) Any person, who, not being a ²[registered midwife, auxiliary nurse-midwife or dhai] takes or uses the name or title of ²[registered midwife, auxiliary nurse-midwife or dhai] or uses any name,

¹ These words were substituted for the words "registered nurse" by section 14 (i) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

² These words were substituted for the words "registered midwife or dhai" by section 14 (ii), *ibid.*

title, description, uniform, badge or signboard, with the intention that it may be believed or with the knowledge that it is likely to be believed that such person is a [registered midwife, auxiliary nurse-midwife or dhai] shall be punishable with fine not exceeding fifty rupees.

15. No magistrate other than a Presidency Magistrate* or a magistrate of the first class* shall take cognizance of or try any offence under this Act.

Magistrates
empowered
to try
offences
under this
Act.

* These words were substituted for the words "registered midwife or dhai" by section 14 (ii) of the Tamil Nadu Nurses and Midwives (Amendment) Act, 1960 (Tamil Nadu Act 26 of 1960).

* According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate.

¹[TAMIL NADU] ACT NO. 26 OF 1960².

THE ⁴[TAMIL NADU] NURSES AND MIDWIVES
(AMENDMENT) ACT, 1960.

[Received the assent of the President on the 6th December 1960, first published in the Fort St. George Gazette on the 14th December 1960 (Agrahayana 23, 1882).]

An Act further to amend the ¹[Tamil Nadu] Nurses and Midwives Act, 1926, and to extend that Act to the transferred territory in the ³[State of Tamil Nadu].

WHEREAS it is expedient further to amend the ¹[Tamil Nadu] Nurses and Midwives Act, 1926 (⁴[Tamil Nadu] Act III of 1926), for the purposes hereinafter appearing and to extend that Act to the transferred territory in the ³[State of Tamil Nadu];

BE it enacted in the Eleventh Year of the Republic of as India follows:—

Short title

1. This Act may be called the ¹[Tamil Nadu] Nurses and Midwives (Amendment) Act, 1960.

2—14. (The amendments made by these sections have been incorporated in the principal Act, namely, Tamil Nadu Act III of 1926.)

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 8th August 1960, Part IV- Section 3, pages 9-10.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

MS
264

15. (1) The ²[Tamil Nadu] Nurses and Midwives Act, 1926 (¹[Tamil Nadu] Act III of 1926), as in force immediately before the date of the commencement of this Act, and as amended by this Act (hereinafter in this section referred to as the ¹[Tamil Nadu Act]), is hereby extended to, and shall be in force in, the transferred territory.

Extension of
¹[Tamil Nadu
Act] III of
1926 to the
transferred
territory,
repeals and
savings.

(2) Any law corresponding to the ¹[Tamil Nadu Act] in force in the transferred territory immediately before the date of the commencement of this Act, including the Travancore-Cochin Nurses and Midwives Act, 1953 (Travancore-Cochin Act X of 1953) (hereinafter in this section referred to as the corresponding law) shall stand repealed on the date of such commencement.

(3) The repeal by sub-section (2) of the corresponding law shall not affect --

(a) the previous operation of the corresponding law or anything done or duly suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the corresponding law ; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the corresponding law ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(4) Subject to the provisions of sub-section (3), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction

¹ This expression was substituted for the expression "Madras Act" by the Tamil Nadu Adaptation of Laws Order, 1970.

² These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

issued or any rule, regulation or form framed, certificate granted or registration effected, under the corresponding law shall be deemed to have been done or taken under the ¹[Tamil Nadu Act] and shall continue to have effect accordingly, unless and until superseded by anything done or any action taken under the ¹[Tamil Nadu Act].

(5) Unless the context otherwise requires, the ²[Tamil Nadu] General Clauses Act, 1891 (²[Tamil Nadu] Act I of 1891), shall apply for the interpretation of the ²[Tamil Nadu Act] as extended to, and in force in, the transferred territory.

(6) For the purpose of facilitating the application of the ¹[Tamil Nadu Act] in the transferred territory, any court or other authority may construe such Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(7) Any reference in the ¹[Tamil Nadu Act] to a law which is not in force in the transferred territory shall, in relation to that territory, be construed as a reference to the law, if any, in force in that territory corresponding to such law.

(8) Any reference to the corresponding law in any law which continues to be in force in the transferred territory after the date of the commencement of this Act shall, in relation to that territory, be construed as a reference to the ¹[Tamil Nadu Act].

Explanation.—For the purpose of this section, the expression “transferred territory” shall mean the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

Power to
remove diffi-
culties

16. (1) If any difficulty arises in giving effect to the provisions of this Act or of the principal Act as amended by this Act, the State Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

¹ This expression was substituted for the expression “Madras Act” by the Tamil Nadu Adaptation of Laws Order, 1970.

² These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

(2) All orders issued under sub-section (1) shall, as soon as possible after they are issued, be placed on the table of both Houses of the Legislature and be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.