

GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS
D E P A R T M E N T

N O T I F I C A T I O N
Imphal, the 29th August, 2005

No. 2/27/2005-Leg/L: The following Act of the Legislature of Manipur which received assent of the Governor of Manipur on 23.8.2005 is hereby published in the Official Gazette.

THE MANIPUR NURSING COUNCIL ACT, 2005
(Manipur Act No. 13 of 2005)

An
Act.

to provide for recognition of the Manipur Nursing Council for regulation and training of nursing personnel Nurses, Midwives, Auxiliary Nurse Midwives/Female Health Worker/Lady health Visitor/Supervisors.

Be it enacted by the Legislature of Manipur in the Fifty-sixth Year of the Republic of India as follows:

CHAPTER - I

PRELIMINARY

1. Short title, extent and commencement. (1) This Act may be called the Manipur Nursing Council Act, 2005.

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Definitions:- In this, Act, unless the context otherwise requires:-

(1) "affiliated Institutions" means an Institution or Hospital or Health Centre for preventive, promotive, curative and rehabilitative nursing services, which is recognised and affiliated to the Council;

(2) "Auxiliary Nurse Midwife or Female Health Worker" means a person who possesses a certificate of Auxiliary Nurse Midwife or Female Health Worker from a recognised and affiliated Institution to the Council;

(3) "Council" means the Indian Nursing Council;

(4) "Government" means the State Government of Manipur;

(5) "Inspector" means a Nurse or a person appointed by the State Council to inspect any Institution for the purpose of granting recognition, functioning of recognised Institution and to attend the examination being held for the purpose of granting any qualification;

- (6) "Lady Health Visitor/Supervisor" means a person who possesses a certificate from an Institution recognised and registered under section 13;
- (7) "Licensing Authority" means an officer who is authorised by the Government to issue license under this Act;
- (8) "List" means a list of Nurses, Midwives, Auxiliary Nurse Midwives or Female Health Workers, Lady Health Visitor/Health Supervisor maintained under section 16;
- (9) "member" means a member of the State Council;
- (10) "Nurse" means a person who possesses a certificate in Nursing and Midwifery from an Institution recognised for the purpose and registered;
- (11) "prescribed" means prescribed by rules made under this Act;
- (12) "President" means the President of the State Council;
- (13) "register" means a register maintained under section 15;
- (14) "registered" means registered in accordance with the provisions of this Act;
- (15) "Registrar" means the Registrar appointed under section 10 of this Act;
- (16) "regulations" means the regulations made by the State Council under this Act;
- (17) "State Council" means the Manipur Nursing Council constituted under section 3 of this Act.

CHAPTER II MANIPUR NURSING COUNCIL

3. Constitution and incorporation:- (1) The Government shall, as soon as may be after the commencement of this Act, constitute a State Council called the Manipur Nursing Council. The State Council shall consist of the following members, namely:
- (a) Director of Health Services, Manipur; ex-officio,
 - (b) Nursing Superintendent; ex-Officio,
 - (c) Deputy Nursing Superintendent: ex-Officio
 - (d) one Principal from each of the General Nursing and Midwifery Schools and Colleges of Nursing and one Principal from each of the Auxiliary Nursing and Midwifery Schools ;
 - (e) one member from the All Manipur Health Services Officers' Association ;
 - (f) three persons to be nominated by the Government of whom one shall be a Nurse, one Auxiliary Nurse Midwife and one Educationist ;
 - (g) one member of the Manipur Branch of the Trained Nurses Association of India.

(h) one Nurse who represent the State in the Indian Nursing Council.

(2) The State Council shall be a body corporate having a perpetual succession, a common seal with power to acquire, hold and disposed of property, both movable and immovable, and to contract, and to sue or to be sued in its name.

(3) The President and the Vice-president of the State Council shall be elected from amongst the members.

4. Term of the office: (1) Term of office of a member other than the ex-officio member, shall be three years from the date of nomination or until a successor has been nominated, which ever is earlier.

(2) The term of the office of an ex-officio member shall continue as long as he holds the office by virtue of the post.

(3) The President shall hold office from the date of appointment/election up to the date on which the term of office expires or a successor has been duly elected whichever is later.

(4) If the office of a member becomes vacant by reason of death, disability, resignation, removal, disqualification, etc., a new member shall be nominated by the Government and such nominated member shall hold the office only for the remaining term for which the member was nominated.

(5) A member shall be deemed to have vacated the office if he is found absent from three consecutive meetings

(6) (a) The President may resign by notice in writing addressed to the ommissioner/Secretary (Health) to the State Government and shall take effect from the date on which it is accepted by the Government after electing a new President from amongst the members.

(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 remove a member from office:

(a) on being found disqualified as per sub-section (8); or

(b) if the State Council decides at a meeting by two-third majority that the continuation of a member in office is prejudicial to the interest of the State Council.

(8) A member shall be disqualified to continue or re-election as a member, if he is:

(a) involved in activities prejudicial to the aims and objectives of the State Council;

(b) of unsound mind.

5. Meeting of the State Council: (1) The State Council shall meet as many times as possible in a year to transact its business.

(2) The President shall preside over the meeting of the State Council and in the absence of the President, the Vice-President or any member elected by the members present shall preside over such meetings.

(3) All transaction of business at a meeting shall be decided by a majority of those present and voting.

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

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

Provided that if at any meeting of the State Council a quorum is not present, the President or the Presiding member, as the case may be, shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted at the adjourned meeting, whether a quorum is present there or not.

7. Vacancies in the State Council not to invalidate act, etc: No act or proceeding of the State Council shall be invalid by reason of existence of a vacancy in the State Council or on account of any defect or irregularity in its constitution.

8. Executive Committee: The Executive Committee shall consist of five members who shall be elected by the State Council from amongst its members.

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

10. Staffing of the State Council: (1) The State Council shall have its own office to carry out the functions and appoint one full time Nursing Registrar.

(2) The State Council shall adopt the Manipur Civil Services Rules, mutatis mutandis, for its officers and staff.

(3) The pay and allowances payable to the Registrar, officers and other employees of the State Council shall be fixed by the State Council with the previous approval of the Government.

(4) The Registrar shall be the Member-Secretary of the State Council to organize meeting with the approval of the President.

(5) The accounts of the State Council shall be audited in such manner as may be specified in the regulations.

(6) The Registrar shall be responsible for administration of the State Council office.

(7) The Registrar, Officers and staff of the State Council shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

11. Fees and allowances for meeting: The President and other members of the State Council shall be paid such fees and allowances as may be prescribed.

12. Income and expenditure of the State Council: (1) The income of the State Council shall be derived from:

- (a) fees.
- (b) grants received from the Government,
- (c) gifts and donations as approved.

(2) The State Council shall utilise the money obtained under sub-section (1) in such manner as may be prescribed.

CHAPTER III REGISTRATION AND ENLISTMENT

13. Registration of Nurses, Midwives, Auxiliary Nurses Midwives/Female Health Workers, Lady, Health Visitors/Health Supervisors:

(a) Any person who fulfils academic qualification and training as prescribed under the regulations shall be registered, on payment of such fees as may be prescribed, in the register for a period of five years.

(b) The State Council shall follow such procedure as may be prescribed.

14. Fee for renewal of registration: Any person shall renew his registration in the manner prescribed by regulations on payment of such renewal fees.

15. Registers to be maintained:

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

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

16. Maintenance of list of persons practicing as Nurse, Auxiliary Nurse Midwives, Female Health Workers, Lady Health Visitors/Health Supervisors: The State Council shall keep a list of such persons as are not eligible for registration under section 13 but who are practicing as nurses in such manner as may be prescribed.

17. Restrictions for enrollment in the registered list:- No person other than a person registered under this Act or person whose name is entered in the list under section 16 shall practice directly or by implication as practicing habitually or for personal gains as a nurse.

18. Condition for supply of order copy:- Copies of any order passed by the State Council or the Registrar or of any entry in the register or in the list maintained under section 16, shall be supplied on payment of such fees as may be specified in the regulations.

19. Publications of registers and list: The Registrar shall on or before a date to be fixed in this behalf by the State Council, and thereafter every year, cause to be printed and published the names, for the time being entered in the register in such manner as may be prescribed.

CHAPTER IV
NURSES, AUXILIARY NURSE MIDWIVES, FEMALE HEALTH WORKER,
LADY HEALTH VISITOR/HEALTH SUPERVISORS ENTITLED TO
PRACTICE AND CONTROL OF LICENCING AUTHORITIES

20. Licensing and supervisions : (1) Subject to the provisions of this Act and the rules and regulations made thereunder, every licensing authority shall exercise general supervision and control of the Nurses, Auxiliary Nurse Midwives, Female Health Workers, Lady Health Visitor/Health Supervisor practicing within the area under its jurisdiction.

(2) The licensing authority shall delegate any of its powers to such officer authorised in this regard.

21. Notice to licensing authority before commencement of practice: (1) Every person registered under this Act who intends to practice anywhere in Manipur as a Nurse, Auxiliary Nurse Midwives, Female Health Worker, Lady Health Visitor/Health Supervisor, shall give notice in writing to the licensing authority in the month of January for every five years thereafter during the period continues to practice within the said area

(2) Every such notice shall contain such particulars and shall be in such form as may be specified in the regulations.

22. Recognition of training institutions: (1) No nursing educational institution shall be started without prior approval of the Council and the State Council.

(2) The State Council may, by the regulations, specify examinations to be held for different courses as laid down by the Council from time to time.

(3) The State Council may, in accordance with the regulations and after inspections and such enquiry as it deems fit and with the prior approval of the Indian Nursing Council, recognise any institution for the training of Nurses, Auxiliary Nurse Midwives, Female Health Workers, Lady Health Visitors/Health Supervisors, for appearing at any examination held by the State Council.

(4) No school or hospital or institution which is not approved and recognized under this Act shall issue to any person a certificate or enter the name of any person in any document supporting to show that such person is qualified by reason of having passed any examination or undergone any course of training to practice as Nurse, Auxiliary Nurse Midwives, Female Health Worker, Lady Health Visitor, Health Supervisor unless his or her name is registered under this Act or entered in the list.

(5) All Institutions conducting nursing training should be recognized by the State Council.

(6) No person shall issue any certificate to a person who does not fulfill the regulations of the State Council.

(7) No registered hospital and no Nursing Home shall employ nursing personnel who do not possess the minimum requisite qualifications laid down by the Council.

23. Recognition of institution, etc.: Any person who is aggrieved on refusal by the State Council to approve and recognize any institution to train Nurses, Auxiliary Nurse Midwives, Female Health Worker, Lady Health Visitor/Health Supervisor may appeal within three months from the date of such refusal to the Government. The Government's decision shall be final.
24. Affiliation: The State Council may, in accordance with the regulations and after inspection and holding such enquiry as it deems fit, affiliate to it any Institutions or hospital for preventive, promotive, curative and rehabilitative nursing care of clients or patients.
25. Withdrawal of recognition, etc.: (1) When upon report by the Executive Committee, it appears to the State Council:
- (a) that the course of study and training and the examinations to be gone through in order to obtain a recognized qualification from any authority in the State or the conditions for admission to such courses or the standard of proficiency required from the candidates at such examination are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or
 - (b) that all Institutions recognised by the State Council for the training of Nurses, Auxiliary Nurse Midwives, Female Health Worker, Lady Health Visitor/Health Supervisor do not satisfy the requirement of the State Council-
- the State Council shall send to the Government a statement to such effect and the Government 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 State Council also, with an intimation of the period within which the authority or institution may submit its explanation to the Government.
- (2) On the receipt of the explanation or where no explanation is received within the period fixed, than on the expiry of that period, the Government shall make its recommendations to the State Council.
- (3). The State Council, after such further enquiry, if any, as it may think fit to make and in a case referred to in clause (b) of sub-section (1) after considering the remarks which the State Council may have addressed to it, may declare-
- (a) in a case referred to in clause (a) of sub-section (1), that the qualifications granted by the authority concerned shall be the recognized qualification only when granted before a specified date, or
 - (b) in a case referred to in the clause (b) of sub-section (1) that with effect from a date specified in the declaration any person holding a recognized 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 in which the institution is situated.
- (4) The State Council may declare that any recognized qualification granted outside the State shall be recognized qualification only if it is recognized by the Council under section 11 of the Indian Nursing Council Act, 1947.

CHAPTER V MISCELLANEOUS

26. Penalties: (1) Any person who acts in contravention of the provisions of section 17 shall, on conviction be punished with fine which may extend to one thousand rupees for the first offence, two thousand rupees for the second offence and five thousand rupees for any subsequent offence.

(2). A person who fails to comply with the provisions of sub-section. (1) of section 22 shall, on conviction be punished with fine which may extend to one thousand rupees for the first offence, two thousand rupees for the second offence and five thousand rupees for any subsequent offences. Such institutions will not be considered for recognition under the Act.

(3). A person who fails to comply with the provision of sub-section (4) of section 22 shall, on conviction, be punished with fine which may extend to five thousand rupees.

(4) Any person found issuing a certificate in violation of sub-section (5) of section 22 is liable to pay a fine of rupees one thousand or simple imprisonment for a term of three months or with both.

(5) Any registered hospital or Nursing Home found appointing Nursing personnel who does not possess the minimum requisite qualification laid down by the Indian Nursing Council Act, 1947, is liable to be punished with a fine of Rs. 1000 or simple imprisonments for a term of three months or with both.

27. Punishment for dishonest use of certificates, etc. - 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 provision of this Act by making or producing or causing to be made or produced any fault 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 of this Act, or

(d) who knowingly or willfully makes or causes or prepares any other person to make any false statements in any notice under this Act-

shall on conviction be punished with fine which may extend to five thousand rupees for the first offence and for any subsequent offence with simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or both.

28. Penalty for unlawful assumption of title of registered Nurse, etc.- Any person who not being a registered Nurse, Auxiliary Nurse Midwives, Female Health Worker, Lady Health Visitor/ Health Supervisor takes or uses the name or title of a registered or listed Nurse, Auxiliary Nurse Midwives, Female Health Worker, Lady Health Visitor/Health

Supervisor use any name, title, description, specified uniform, object or sign board with the intention that it may be believed or with knowledge that it is likely to be believed that such person is registered shall be liable to :-

- (a) for the first offence with fine which may extend to rupees five thousand only, 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 rupees ten thousand or with both.

29. Offences by Companies:- Where an offence under this Act has been committed by a company or persons who, at the time of offence was committed, were in charge of and responsible to the conduct of the business of 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 corporate and includes a firm or other association of individuals.

30. Cognizance of offence, - No court shall take cognizance of any offence under this Act except on a complaint made with the previous sanction of the State Council.

31. Exemption of registered medical practitioners from the provisions of this Act, - Nothing in this Act shall apply to a registered medical practitioner.

EXPLANATION: In this section, a registered medical practitioner means a person practicing medicine and registered as such under any law relating to the registration of persons practicing medicine.

32. Power of Government to dissolve and reconstitute the State Council,- If at any time it appears to the Government that the State 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, the State Government may dissolve the State Council and in case of dissolution of the State Council, cause all or any of the powers duties and functions of the State Council to be exercised, performed and discharged by an Administrator who is qualified as senior Nursing Officer till a new State Council is constituted.

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

34. Power to make rules.- (1) The State Government may, subject to the condition of previous publication and by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the forgoing powers, such rules may provide for all or any of the following matters, namely,-

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

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

(c) manner in which the money received by the State Council shall be utilised under sub-section (2) of section 12;

(c) form of registers to be maintained under section 15,

(f) form of lists to be maintained by the State Council under section 16,

(g) procedure to be followed by the State Council in disposing of the appeal under sub-section (3) of section 23,

(h) auditing of the accounts of the State Council under section 33,

(3) Every rule made by the State Government under this Act and every regulation made by the State Council thereunder shall be laid, as soon as after it is made, before the House of the Manipur Legislative Assembly, while it is 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 the House agrees that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything done under that rule or regulation.

35. Power to make Regulations. – (1) The State Council may, with the previous sanction of the Government and by notification in the official Gazette, make Regulations not inconsistent with the provision of this Act or the Rules made thereunder, for the purposes of this Act.

(2) Without prejudice to the generality of the forgoing powers, such Regulations may provide for –

(a) payment of allowances to the President and other members of the State Council and to the members of the Committee;

(b) the duties, powers, leave, suspension, removal and other terms and conditions of service of the Registrar, officers and servants and the payment of salaries and allowance to such person;

(c) the manner in which the accounts of the State Council shall be kept by the Registrar;

2. 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;

3. the fee payable for registration under sub-section (1) of section 13, the renewal of registration under section 14 and the re-entry of names removed from the register under the provision of sub-section (2) of section 16;

4. fee payable for the copies of the orders of the State Council or of the Registrar and for the supply of a copy of any entry from the register of lists.

5. Removal of difficulties :- 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 the Act as appear to him to be necessary or expedient for the purpose of removing difficulty:

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

(A Sukumar Singh)

Secretary (Law), Govt. of Manipur.

Copy to:-

1. The Commissioner (Health), Govt. of Manipur.
2. The Secretary, Manipur Legislative Assembly.
3. Director Printing & Stationary, Manipur
for favour of publication of this Notification in the
Manipur Gazette Extra Ordinary dated 29.8.2005 and
He is requested kindly to send 5(five) copies of the publication to the
Law & Legislative Affairs Department.
4. Guard file.