



सत्यमेव जयते

Government of West Bengal

Legislative Department

West Bengal Act LVI of 1950

**The West Bengal
Clinical Establishments
Act, 1950**

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1950

Price—Indian, annas 4; English, 6d.

West Bengal Act LVI of 1950

THE WEST BENGAL CLINICAL ESTABLISHMENTS ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
of the 23rd November, 1950.]

*An Act to introduce a system of registration and licensing in
respect of clinical establishments.*

WHEREAS it is expedient to introduce a system of
registration and licensing in respect of clinical establish-
ments;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Clinical
Establishments Act, 1950.

(2) It extends to the whole of West Bengal.

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

Short title,
extent and
commence-
ment.

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

(a) "clinical establishment" means a nursing home, a
physical therapy establishment, a clinical
laboratory or an establishment analogous to any
of them, by whatever name called;

(b) "clinical laboratory" means an establishment
where—

(i) biological, bacteriological, radiological, micro-
scopic, chemical or other tests, examinations or
analysis, or

(ii) the preparation of cultures, vaccines, serums or
other biological or bacteriological products,

in connection with the diagnosis or treatment of diseases,
are or is usually carried on;

(c) "maternity home" means an establishment where
women are usually received and accommodated for
the purpose of confinement and ante-natal and
post-natal care in connection with child-birth;

(d) "nursing home" means an establishment where
persons suffering from illness, injury or infirmity
whether of body or mind are usually received and
accommodated for the purpose of nursing and
treatment and includes a maternity home;

(e) "physical therapy establishment" means an establish-
ment where persons are usually treated by physical
means such as massage, electrotherapy, hydro-
therapy, remedial gymnastics or the like;

For. 15.2.5
Medl 620/
12 R-72/50
dt. 11.2.52
C.G. dt. 14.2.
H.T. 439.

(Sections 3, 4.)

(f) "prescribed" means prescribed by rules made under this Act;

(g) "registered medical practitioner" means a medical practitioner registered under the Bengal Medical Act, 1914; Ben. Act VI of 1914.

(h) "registered nurse" or "registered midwife" means a nurse or midwife registered under the Bengal Nurses Act, 1934. Ben. Act X of 1934.

Clinical establishment not to be kept or carried on without registration and license.

3. No person shall keep or carry on a clinical establishment without being registered in respect thereof and except under and in accordance with the terms of a license granted therefor.

Application for registration and license.

4. (1) Every application for registration in respect of any clinical establishment and for the grant of a license therefor shall be made to such authority (hereinafter referred to as the prescribed authority), shall contain such particulars and shall be accompanied by such fee as may be prescribed.

(2) The prescribed authority, if satisfied that the applicant and the clinical establishment fulfil such conditions as may be prescribed, shall register the applicant in respect of such clinical establishment and shall grant him a license therefor and the registration and the license shall be valid for such period as may be prescribed.

(3) The prescribed authority may reject an application if he is satisfied—

(a) that the applicant or the clinical establishment does not fulfil the conditions prescribed under subsection (2);

(b) that the real object of the applicant is to use or allow the clinical establishment to be used for immoral purposes;

(c) in the case of a nursing home other than a maternity home that such nursing home is not or will not be under the charge of a registered medical practitioner resident therein and that the nursing of persons received and accommodated therein is not or will not be under the superintendence of a registered nurse resident therein; or

(d) in the case of a maternity home that such maternity home is not or will not be under the charge of a registered midwife and that the attendance on every woman before, at, or after child-birth or on any child born is not or will not be under the superintendence of a registered midwife resident therein;

and shall in every case where the application is rejected record the grounds for rejection.

(Sections 5—7.)

(4) An appeal shall lie to such authority as may be specified in this behalf, against the rejection of an application under sub-section (3) and any order passed on such appeal shall be final and shall not be questioned in any Court.

(5) Every license granted under sub-section (2) shall be upon such terms as may be prescribed and such terms may, *inter alia*, require—

- (a) such precautions to be observed for safeguarding that the clinical establishment is not used for immoral purposes, such sanitary and hygienic measures to be taken and such accommodation to be provided, as may be specified;
- (b) in the case of nursing homes, records to be kept of persons received and accommodated and intimation to be given to specified authorities of births, deaths and miscarriages therein;
- (c) in the case of physical therapy establishments, records to be kept of persons treated therein.

5. If at any time after any person has been registered in respect of any clinical establishment and granted a license therefor, the prescribed authority is satisfied that the terms of the license are not being complied with, he may cancel such registration and license.

Cancel-
lation of
registration
and license.

6. (1) Subject to such regulations as may be prescribed, any officer of the State Government duly authorised in this behalf may enter any establishment which is being used or which such officer has reason to believe is being used as a clinical establishment and inspect any documents kept in such establishment:

Entry and
inspection.

Provided that nothing in this section shall be deemed to authorise any person to inspect any medical record relating to a person undergoing medical treatment.

(2) No person shall refuse to allow any officer as aforesaid to enter any establishment or to inspect any documents which he is entitled to enter or to inspect and no person shall obstruct any such officer in the exercise of his powers under sub-section (1).

7. (1) Any person—

- (a) who contravenes the provisions of section 3, or
- (b) who contravenes the provisions of sub-section (2) of section 6, or
- (c) being the holder of a license granted under this Act in respect of any clinical establishment, uses or allows such establishment to be used for immoral purposes,

Offences
and penal-
ties.

shall be guilty of an offence and shall—

- (i) on conviction for a first offence be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both, and

(Sections 8, 9.)

- (ii) on conviction for a second or subsequent offence be punishable with imprisonment for a term which may extend to three years or with fine which may extend to one thousand rupees or with both,

and shall in addition be liable to a fine which may extend to twenty-five rupees for every day for which the offence continues after conviction.

(2) Where a person committing an offence under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary or other officer concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent its commission, be deemed to be guilty of such offence.

Savings.

8. (1) For a period of six months from the commencement of this Act, the provisions of section 3, section 5, section 6 and section 7 shall not apply to any clinical establishment in existence on the date of such commencement.

(2) Nothing in this Act shall apply in respect of—

- (a) any clinical establishment maintained by or under the control of Government or any local authority; or
- (b) any asylum established or licensed under the Indian Lunacy Act, 1912; or IV of 1912.
- (c) any leper asylum appointed, established or maintained under the Lepers Act, 1898; or III of 1898.
- (d) any chamber or clinic of a registered medical practitioner; or
- (e) any hairdresser's shop or saloon where scalp or face-massage or manicure treatment is administered to female customers only or is administered in full view of all the customers resorting there.

Power to make rules.

9. (1) The State Government may make rules for the purposes of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

- (a) the authority to whom an application under sub-section (1) of section 4 shall be made, the particulars which such application shall contain and the fee with which such application shall be accompanied;
- (b) the conditions which an applicant and a clinical establishment shall fulfil under sub-section (2) of section 4;
- (c) the period for which registration and license under sub-section (2) of section 4 shall be valid;

(Section 9.)

- (d) the period of limitation for an appeal under sub-section (4) of section 4 and the procedure on such appeals;
- (e) the terms upon which a license shall be granted under sub-section (5) of section 4;
- (f) the regulations subject to which an officer authorised under sub-section (1) of section 6 may enter any establishment or inspect any documents;
- (g) any other matter required to be prescribed by rules.