

**THE HIMACHAL PRADESH NURSES REGISTRATION ACT, 1977**  
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## THE HIMACHAL PRADESH NURSES REGISTRATION ACT, 1977

### (ACT NO. 15 OF 1978)<sup>1</sup>

(Received the assent of the President on the 6<sup>th</sup> April, 1978 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20<sup>th</sup> April, 1978, pp. 361-375).

**An Act to provide for the registration of nurses, health visitors, midwives, auxiliary nurse midwives and dais in Himachal Pradesh.**

*Amended, repealed or otherwise affected by:-*

1. H.P. Act No. 7 of 1980<sup>2</sup>, assented to by the Governor on the 12<sup>th</sup> June, 1980, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 18<sup>th</sup> June, 1980, p. 541-542.

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1. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 31<sup>st</sup> December, 1977, p.1246.
2. For Statement of Objects and Reasons, see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 2<sup>nd</sup> April, 1980, p. 312.

2. H.P. Act No. 19 of 2002<sup>1</sup>, assented to by the Governor on the 25<sup>th</sup> October, 2002, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 28<sup>th</sup> October, 2002, pp. 2079-2082.
3. H.P. Act No. 32 of 2012<sup>2</sup>, assented to by the Governor on the 21<sup>st</sup> May, 2012, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 26<sup>th</sup> May, 2012, pp. 1346-1347.

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-eighth Year of the Republic of India as follows:-

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement.-** (1) This Act may be called the Himachal Pradesh Nurses Registration Act, 1977.

(2) It extends to the whole of Himachal Pradesh.

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

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

- (a) "auxiliary nurse midwife" means a person who has passed an examination prescribed in this behalf by the Council;
- (b) "bye-laws" means bye-laws made under section 22 or section 23;
- (c) "Council" means the Himachal Pradesh Nurses Registration Council established under section 3;
- (d) "dai" means any person, whether following a hereditary occupation or not, who ordinarily practises midwifery for gain and who has not passed any of the examinations in midwifery recognised by the Council;
- (e) "health visitor" means a person who has obtained health visitor's certificate from any health school, institution or examining body registered under sub-section (2) of section 18;

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1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 28<sup>th</sup> August, 2002, pp. 1504 and 1507.
  2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 6<sup>th</sup> April, 2012, pp. 218 and 219.
  3. The Act came into force w.e.f. 1<sup>st</sup> August, 1978 vide Health & Family Welfare Deptt. Notification No. 2-16/71 H&FP dt. 31<sup>st</sup> July, 1978. Published in the Rajpatra, Himachal Pradesh, dated 19<sup>th</sup> August, 1978 p. 822.

- (g) "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 18 ;
- (h) "nurse dai" means a trained dai who has passed the examination in nursing prescribed by the Punjab Nurses Registration Council or one ho has been registered with the said Council and has been taken over from the said Council in transferred territories merged in Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966);
- (i) "register" means a register maintained under the Act ;
- (j) "registered" means registered in accordance with the provisions of section 18;
- (k) "Registrar" means the Registrar appointed under section 15;
- (l) "registered medical practitioner" means a person who holds a qualification granted by an authority specified and notified under section 3 of Indian Medical Degrees Act, 1916 (7 of 1916) or specified in the Schedule to the Indian Medical Council Act, 1956 (102 of 1956) or specified in any other law for the time being in force in any State or who practises in any system of medicines and is registered in any State medical register by whatever name may be called;
- (m) "regulations" means regulations made under section 17;
- (n) "rules" means rules made under section 33 ;
- (o) "trained dai" means a person who has been granted a training certificate under the bye-laws made by the Council or one who has been registered under sub-section (2) of section 18 ;
- (p) "un-registered" means not registered in accordance with the provisions of section 18.

## CHAPTER II

### CONSTITUTION OF COUNCIL, APPOINTMENT OF OFFICE

#### BEARERS AND THE MAKING OF REGULATIONS

#### 3. Constitution of Himachal Pradesh Nurses Registration Council.-

(1) There shall be established and constituted for the purpose of carrying out the provisions of this Act, a council to be known as "The Himachal Pradesh Nurses Registration Council ".

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

- (a) <sup>1</sup>[the Director of Medical Education], Himachal Pradesh;

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1. Substituted for the words "the Director of Health Services" vide Act No. 19 of 2002.

- (b) eight members to be appointed by the State Government from amongst the persons specified in the Schedule, one of whom shall be the Nursing Superintendent 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 senior-most health visitor;
- (e) one registered midwife to be elected by the midwives registered under the Act:

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

Provided further that the State Government may appoint to the Council members as referred to in clause (b) to (d) out of the persons who are eligible for registration in the registers and such persons shall hold office for such period as the State Government may, by notification in the Official Gazette, specify.

(3) The Council shall be a body corporate with the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

(4) <sup>1</sup>[The Director of Medical Education], Himachal Pradesh, shall be the ex-officio President of the Council and the Vice-President shall be elected by name from amongst its members at the first meeting thereof.

(5) Every election or appointment of a member of the Council shall be notified by the State Government in the Official Gazette.

(6) Until the Council is established and constituted in accordance with the provisions of the preceding sub-sections, the State Government may constitute a Council consisting of eight members including <sup>2</sup>[the Director of Medical Education] Himachal Pradesh, to be appointed by the State Government and the Council so constituted shall, as from the commencement of this Act and for a period not exceeding <sup>3</sup>[three year] from such commencement be deemed to be the Council established and constituted for the purpose of carrying out all the provisions of this Act and the provisions of sub-sections (3) and (4) shall apply to such a Council.

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1. Substituted for the words "the Director of Health Services" vide Act No. 19 of 2002.
  2. Substituted for the words "the Director of Health Services" vide Act No. 19 of 2002.
  3. Substituted for the words "one year" vide Act No. 7 of 1980.

**4. Election of members.-** Election of members of the Council under sub-section (2) of section 3 shall be held at such time and place and in such manner as may be prescribed by rules or regulations and where any dispute arises regarding any such election, it shall be referred to the State Government whose decision shall be final.

**5. Term of office of members.-** (1) Except as otherwise provided in section 3, and in this section, the term of office of member of a the Council, other than a member appointed by virtue of his office, shall be five years and shall commence from the date on which the appointment or election of such member, as the case may be, is notified in the Official Gazette by the State Government.

(2) A member, other than a member appointed by virtue of office, where appointed or elected 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 appointed or elected.

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

(4) An outgoing member shall, if he is otherwise qualified, be eligible for being re-elected or re-appointed.

(5) 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 by virtue of which he is such a member.

**6. Vacancies.-** 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; or
- (b) if he has, in the opinion of the Council without sufficient cause, been absent from three consecutive meetings of the Council; or
- (c) if he has been absent out of India for more than one year continuously ; or
- (d) if, in the case of a member under clause (b), (c) or (d) of sub-section (2) of section 3, he ceases to be a registered nurse, a registered health visitor or a registered auxiliary nurse midwife or a registered midwife, as the case may be; or
- (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 makes him unfit to be a member.

**7. Removal of a member.-** Notwithstanding anything contained in this

Act, the State Government may, at any time for any reason which it may deem to affect the public interest or on a resolution passed by a majority of two thirds of the members of the Council, by notification in the Official Gazette, direct that the seat of any specified member, whether elected or appointed, shall be vacated on a date specified in the notification and such seat shall thereupon be vacated accordingly.

**8. Casual vacancies how to be filled.-** A casual vacancy in the Council shall be filled by fresh election or appointment, as the case may be, depending upon the specific category to which such vacancy belongs.

**9. Vacancies etc., not to invalidate proceedings of the Council.-** No act done, or proceedings taken, under this Act by the Council shall be invalid merely on the ground,-

- (a) of any vacancy or defect in the constitution of the Council; or
- (b) of any defect or irregularity in the election or appointment of a person acting as a member thereof ; or
- (c) of any defect or irregularity in such act or proceedings not affecting the merits of the case.

**10. Disqualifications.-** No person shall be eligible for election or appointment as a member of the Council,-

- (a) who is a minor or an undischarged insolvent; or
- (b) who has been adjudicated by a competent court to be of unsound mind ; or
- (c) who has been sentenced by a criminal court to imprisonment for an offence involving moral turpitude.

**11. Term of office of Vice- President.-** (1) The term of office of Vice-President of the Council shall be five years, but shall not extend beyond the expiry of his term as a member of the Council.

(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 the Vice-President becomes vacant another member shall be elected as Vice-President for the remainder of the term of the office of the Vice-President in whose place he is elected or for the remainder of his term of office as a member, whichever is less.

**12. Time and place of meeting of the Council.-** The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner as may be provided by regulations:

Provided that, until such regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by a letter addressed to each member.

**13. Quorum.-** Any number or proportion of the members of the Council as may, from time to time, be fixed by regulations but not less than five, shall form a quorum at a meeting of the Council :

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 such meeting shall be brought before and transacted at the adjourned meeting whether there may be a quorum present or not.

**14. Proceedings at the meetings of the Council.-** (1) The President of the Council, or in this absence the Vice-President, or in the absence of both a person elected by the Council from amongst themselves, shall preside at a meeting of the Council.

(2) All questions at a meeting of the Council shall be decided by the votes of a majority of the members present any voting:

Provided that, in case of equality of votes, the President, Vice-President or the person presiding, as the case may be, shall have a second or casting vote.

**15. Appointment of Registrar and other staff.-** (1) Subject to such rules as the State Government may make in this behalf, the Council shall with the previous approval of the State Government, appoint a Registrar who shall also act as a treasurer, unless the Council appoints another person as treasurer, and shall receive such salary and allowances and be subject to such conditions of service as may be prescribed :

Provided that until a Registrar is so appointed, person appointed by the State Government shall, as from the commencement of this Act, be deemed to be Registrar who shall be entitled to such salary and allowances and shall be subject to such conditions of service as may be determined by the State Government.

(2) The Council may appoint such other employees as may be necessary for carrying out the purposes of this Act and such employees shall receive such salaries and allowances and be subject to such conditions of service as may be prescribed.

(3) All employees of the Council, including the Registrar, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code 1860 (45 of 1860).

**16. Duties of Registrar.-** (1) Subject to the provisions of this Act and rules made thereunder and subject to any general or special orders of the Council, it shall be the duty of the Registrar to maintain the registers and to act as Secretary to the Council.

(2) The Registrar shall keep the register in accordance with the provisions of this Act and any rules or regulations made thereunder and shall, from time to time, make all necessary alteration in the names and addresses entered in the registers of such nurses, health visitors, midwives, nurse dais and auxiliary nurse midwives, trained dais or dais and remove the name of any person who is dead.

(3) To enable the Registrar to perform the duties imposed upon him by



sub-section(2), he may send through post a registered letter to any person registered as a nurse, health visitor, midwife, nurse dai, auxiliary nurse midwife or trained dai or dai addressed according to his/her registered address for the purposes of enquiring whether he/she has ceased to practise or whether his/her residence or address has 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 concerned register :

Provided that, any name removed, under this section, may, on a representation made in this behalf, be re-entered in the register, subject to such conditions and payment of such fees as may be prescribed in the direction by the Council or the committee constituted under section 19 if an appeal was preferred against the order of the Council.

(4) An entry in the register 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.

**17. 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 notices of a meeting shall be given;
- (c) the conduct of business at a meeting, the record of the proceedings thereof and the adjournment of meetings ;
- (d) the quorum necessary for the transaction of business at a meeting ;
- (e) the appointment and constitution of committee for any purpose relating to any matter with which the Council is empowered to deal and the co-operation of persons specially qualified to advise on any particular matter ;
- (f) the payment of fees and travelling allowances to members attending a meeting of the Council ;
- (g) the custody of the common seal and the purposes for which it shall be used ;
- (h) the persons by whom receipts shall be granted on behalf of the Council for moneys received under this Act; and
- (i) the appointment, duties, executive powers, leave, suspension and removal of the officers and servants and the payment or salaries and allowances to such person.

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

### CHAPTER III

#### REGISTRATION OF NURSES, HEALTH VISITORS, MIDWIVES, NURSE DAIS, AUXILIARY NURSE MIDWIVES, TRAINED DAIS AND DAIS

**18. Registration of nurses, health visitors, midwives, auxiliary nurse midwives, nurse dais, trained dais and dais.-** (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, auxiliary nurse midwives, nurse dais, trained dais and dais; or
- (b) is registered as a nurse or health visitor or midwife or auxiliary nurse midwife by any association which is recognised by the Council; or
- (c) is able to satisfy the Council that he/she 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 Council ; or
- (d) is already employed or practising in Himachal Pradesh as a dai or doing the same work as a nurse, health visitor, midwife, auxiliary nurse midwife, nurse dai, trained dai or dai at the commencement of this Act ;may apply to the Registrar to have his/her name registered:

Provided that an application from a person referred to in clause (b) shall not be entertained unless it is received within three years from the commencement of the Act.

(2) (a) If the Registrar is satisfied that any nurse, health visitor, midwife, (auxiliary nurse midwife, nurse dai, trained dai or 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, auxiliary nurse midwife, nurse dai, trained dai or 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, auxiliary nurse midwife, nurse dai, trained dai or 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 A (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) may refer the said application to the Council or any committee referred to in section 19 and shall not make any 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 an opportunity has been given to such person to be heard in person or by a counsel, has been held by the Council by the majority of at least two-thirds of the members present any voting at a meeting of the Council, guilty of any professional misconduct or infamous conduct or not to have been possessing satisfactory professional qualification; and
- (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 an 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 committee constituted under section 19 from an order of the Council if such appeal is made within one month or such period as may be extended on sufficient cause shown for not preferring the appeal within time from the date of receipt of registered notice intimating that the Council has refused to permit the registration or has removed the name of such person.

(3) The Council may direct that the name of any person against whom an order has been passed under the proviso to sub-section (2) shall be entered after having satisfied itself that due to lapse of time or otherwise the disability mentioned in the said sub-section has ceased to have any force.

(4) If the Registrar is not satisfied that a person who has applied under sub-section (1) is entitled to be registered, he shall reject the application; provided that appeal shall lie to the Council from such an order of rejection by the Registrar if such appeal is preferred within one month from the date of receipt of such order by the applicant.

(5) For the purpose of an enquiry under the first proviso to sub-section (2) or of an appeal under sub-section (4), the Council shall be deemed to be court within the meaning of the Indian Evidence Act, 1872 ( 1 of 1872) and shall exercise all the powers of a Commissioner under the Public Servant's (Inquiries) Act, 1850 (37 of 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 Servant's (Inquiries) Act, 1850 (37 of 1850); provided that nothing contained in any of the said Acts, shall prevent the Council from holding an enquiry or hearing of any appeal in camera.

**19. Delegation of powers to the committee of the Council.-** The Council may direct that any enquiry or appeal under section 18 to be conducted or heard by it shall be conducted or heard by a committee of the Council composed of such members of the Council as it may direct.

**20. Registers to be maintained.-** The Registrar shall maintain the following registers :-

- (a) a register showing the name and address of each registered nurse in Himachal Pradesh;
- (b) a register showing the name and address of each registered health visitor in Himachal Pradesh;
- (c) a register showing the name and address of each registered midwife in Himachal Pradesh;
- (d) a register showing the name and address of each registered auxiliary nurse midwife in Himachal Pradesh;
- (e) a register showing the name and address of each registered nurse dai in Himachal Pradesh; and
- (f) a register showing the name and address of each registered trained dai or dai in Himachal Pradesh.

**21. Annual list of nurses, health visitors, midwives, auxiliary nurse midwives, nurse dais and dais.-** (1) The Registrar shall at least in every five years, on or before a date to be fixed in this behalf by the Council, cause to be printed and published correct list of 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 that register ; and
- (c) the registered qualifications of each 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 any of such lists, a certified copy signed by the Registrar of the entry of the name of such person in the register 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.

**22. Power to prohibit un-registered person from practising.-** (1) Any local authority may make bye-laws prohibiting unregistered person from practising as a nurse, health visitor, midwife, auxiliary nurse midwife, nurse dai, trained dai or dai 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 every person committing or abetting the commitment of a breach of any such bye-laws shall on conviction by a magistrate of the first class be liable to a fine not exceeding <sup>1</sup>[ten thousand] rupees for first offence and to a fine not exceeding <sup>2</sup>[twenty thousand] rupees for the second and for each subsequent offence.

(2) If any local authority fails to make bye-laws under sub-section (1) within six month from the date of commencement of this Act, the State Government may, by notification in the Official Gazette, prohibit un-registered persons from practising as a nurse, health visitor, midwife, auxiliary nurse midwife, nurse dai, trained dai or dai within the area, subject to such local authority and any unregistered person practising in contravention of such notification, shall be liable, on conviction by a magistrate of the first class, to a fine not exceeding <sup>3</sup>[ten thousand] rupees for the first offence and to a fine not exceeding <sup>4</sup>[twenty thousand] rupees for the second and for each subsequent offence.

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

**23. Power to make bye-laws.-** The Council may, after previous publication, make bye-laws,-

- (a) to prescribe the course of training of, and qualification for, the registration of nurses, health visitors, midwives, auxiliary nurse midwives, nurse dais, trained dais or dais and to provide for the recognition of institution competent to give such training;
- (b) to regulate the issue of certificates, the maintenance of registers and the conditions of admission of names of persons to such registers and to prescribe the form of application for such admission and uniform or badge to be worn by registered nurses, registered health visitors, registered midwives, registered auxiliary nurse midwives, registered trained dais or dais, while on duty;
- (c) to prescribe the fees for registration and the re-entry of name

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1. Substituted for the words "fifty" vide Act No. 32 of 2012.

2. Substituted for the words "two hundred and fifty" vide Act No. 32 of 2012.

3. Substituted for the words "fifty" vide Act No. 32 of 2012.

4. Substituted for the words "two hundred and fifty" vide Act No. 32 of 2012.

- removed from registers;
- (d) to regulate the publication of lists of registered nurses, registered health visitors, registered midwives, registered auxiliary nurse midwives, registered nurse dais, registered trained dais or dais;
  - (e) to regulate the conduct of and prescribe fees for examination of nurses, health visitors, midwives, auxiliary nurse midwives, nurse dais, trained dais or 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, health visitor, midwife, auxiliary nurse midwife, nurse dai, trained dai or dai;
  - (g) to prescribe fees for the affiliation of institutions recognised as training schools for nurses, health visitors, midwives, auxiliary nurse midwives, nurse dais, trained dais or dais;
  - (h) to prescribed the scale of fees, remuneration and travelling allowance to examiners, supervisors, invigilators and other persons appointed by the Council for the conduct of examinations;
  - (i) to prescribe price of publications of the Council ; and
  - (j) to regulate the conduct of registered persons.

**24. Confirmation and publication of bye-laws.-** (1) No bye-laws made under section 22 or section 23 shall come into force until it has been confirmed by the State Government and published in the Official Gazette.

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

**25. No suits in respect of acts done under this Act.-** No action taken, in the exercise of any power conferred by this Act, by the State Government or the Council or the committee constituted by the Council or the Registrar shall be questioned in any civil court.

**26. Exemption of registered medical practitioners from provisions of this Act. -** Nothing in this Act shall apply to registered medical practitioners.

**27. Fees for the issue of copies of orders or entries in the register.-** Copies of any order passed by the State Government, the Council, the committee constituted by the Council or the Registrar or of any entry in the register maintained under this Act shall be supplied on payment of such fees as may be prescribed.

**28. Application of fees received by the Council-** All moneys received by the Council as fees under this Act shall be applied for the purposes of this Act in the prescribed manner.

**29. 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; shall, on conviction by a magistrate of the first class, be punishable with fine which may extend to <sup>1</sup>[twenty five thousand] rupees.

**30. Penalty for unlawful assumption of title of registered nurse, health visitor, auxiliary nurse midwife, nurse dai, trained dai or dai.-** Any person who, not being a registered nurse, or a registered health visitor, or a registered midwife, or a registered auxiliary nurse midwife, or a registered nurse dai, or a registered trained dai or a dai, as the case may be, assumes or uses any name, title, addition, descriptions or a sign-board 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 by a magistrate of the first class, be liable to a fine not exceeding <sup>2</sup>[ten thousand rupees in the case of first offence and for a second or any subsequent offence to a fine not exceeding twenty five thousand rupees or imprisonment of either description for two years] or both.

**31. Bar to prosecutions under the Act.-** (1) No court shall take cognizance of any offence punishable under this Act except on a complaint made with the previous sanction of the Council.

(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.

**32. Power to amend the Schedule.-** The State Government may, from time to time, by notification in the official Gazette, add to, amend, vary or rescind an entry in the Schedule.

**33. Power of State Government to make rules.-** (1) The State Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the fore-going powers, the State Government may make rules,-

- (a) to regulate the elections under section 3;

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1. Substituted for the words "three hundred" vide Act No. 32 of 2012.

2. Substituted for the words "two hundred and fifty rupees in the case of first offence and for a second or any subsequent offence a fine not exceeding five hundred rupees or imprisonment of either description for six months" vide Act No. 32 of 2012.

- (b) to prescribe the form of registers to be maintained under section 20;
- (c) to regulate and restrict within due limits the practice of registered nurses, registered health visitors, registered midwives, registered auxiliary nurse midwives, registered nurse dais or registered trained dais or dais;
- (d) to regulate the procedure to be followed by the Council,-
  - (i) in making re-entry in the registers of the name of person removed from such register and in withdrawing any order of suspension of practice, passed on a registered nurse, registered health visitor, registered midwife, registered auxiliary nurse midwife, registered nurse dai, registered trained dai or registered dai; and
  - (ii) in disposing of appeals from the decision of the Registrar made under section 18 ;
- (e) to regulate the application of fees levied under this Act ; and other moneys received by the Council for the purposes of this Act; and
- (f) to prescribe fees for obtaining copies of the orders passed by the State Government, or the Council or the Registrar or the committee constituted by the Council.

(3) Every rule made under this Act, shall be laid, as soon as may be, after it is made before, the Legislative Assembly of Himachal Pradesh, while it is in session for a total period of not less than fourteen days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**34. Repeal and savings.-** (1) The Punjab Nurses Registration Act, 1932 (1 of 1932), as in force in the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966), is hereby repealed:

Provided that such repeal shall not effect,-

- (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the enactment so repealed; 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 be passed.

(2) Subject to the proviso to sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule or regulation framed, or form prescribed), in so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until superseded by any action taken under this Act.

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### THE SCHEDULE

**[See clause (b) of sub-section (2) of section 3]**

1. Deputy Director of Health Services, Himachal Pradesh.
  2. Director, Principal, Himachal Pradesh Medical College, Simla.
  3. Deputy Assistant Director of Health Services (Nursing), Himachal Pradesh.
  4. Medical Superintendent, Himachal Pradesh State Hospital, Simla.
  5. Matron trained in nursing administration.
  6. Senior Nursing Tutor, Himachal Pradesh, State Hospital, Simla.
  7. Nursing Superintendent, Lady Reading Hospital, Simla.
  8. Superintendent Incharge of Health Visitors' Training School.
  9. Senior-most Chief Medical Officer in Himachal Pradesh.
  10. Honorary Secretary Trained Nurses Association, Himachal Pradesh Branch.
  11. Persons having experience in nursing education and administration.
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**Validation Section added vide H.P. Act No. 7 of 1980:**

**3. Validation of the constitution of the interim Council constituted under section 3(6) and its orders, proceedings and acts, etc.-** The Himachal Pradesh Nurses Registration Council constituted vide the Himachal Pradesh Government notification No. 2-16/71-H&FP, dated 8.2.1979 published in the Rajpatra, Himachal Pradesh, dated the 24<sup>th</sup> February, 1979 shall be deemed to be and always to have been validly constituted for a period of two years with effect from the 1<sup>st</sup> day of August, 1978, i.e., the date of the commencement of the principal Act, irrespective of the fact that the term of the said Council was to expire on 1.8.1979 and all orders made, proceedings taken, appointments made, examinations conducted, licences, diplomas and certificates issued, registration and rules made and acts done by or in the name of the said Council after 1.8.1979 shall be deemed to be and always to have been validly made, taken, conducted, issued and done, as if the said Council has been duly constituted initially for a period two years.

**4. Bar of legal proceedings.-** No suit or other legal proceeding, whatsoever, shall lie in any court against the State Government or the said Council or its officers for and on account of, or in respect of, any such orders made, proceedings taken, appointments made, examinations conducted, licences, diplomas or certificates issued, registrations or rules made or acts done as aforesaid and validated by the provisions of the preceding section.

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