



The Gazette of Meghalaya
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.49 Shillong, Monday, May 4, 1992, 14th Vaisakha
1914 (S.E.)

PART II

GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT
ORDERS BY THE GOVERNOR

NOTIFICATION

The 4th May, 1992

No.LL (B). 63/91/34.—The Meghalaya Nursing Council Act, 1992
is hereby published for general information.

MEGHALAYA ACT 5 OF 1992

THE MEGHALAYA NURSING COUNCIL ACT, 1992

(As passed by the Meghalaya Legislative Assembly)

Received the assent of the Governor on the 3rd May, 1992

(Published in the *Gazette of Meghalaya* Extra-ordinary issue
dated 4th May, 1992)

AN

ACT

**to provide for the establishment of a Nursing Council
for the State of Meghalaya, registration of nurses
with the Council and for matters ancillary thereto**

Be it enacted by the Legislature of the State of Meghalaya in the
Forty-third year of the Republic of India as follows:—

- Short title, extent and Commence-
ment.
1. (1) This Act may be called the Meghalaya Nursing Council Act, 1992.
 - (2) It extends to the whole of the State of Meghalaya
 - (3) It shall come into force at once.

Definition

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

(a) "Act" means the Meghalaya Nursing Council Act 1992;

(b) "Council" means the Meghalaya Nursing Councils established under section 3;

(c) "member" means a member of the Council;

(d) "nurse" includes a general nurse, an auxiliary nurse midwife and a health worker;

(e) "prescribed" means prescribed by rules or by regulations as the case may be;

(f) "register" means the register maintained under section 9 where nurses are registered and the words 'registered' and 'registration' shall be construed accordingly;

(g) "Registrar" means the Registrar referred to in sub-section (1) of section 6;

(h) "regulations" means the regulations made by the Council under this Act;

(i) "rules" means the rules made by the State Government under this Act;

(j) "Section" means a section of the Act; and

(k) "State Government" means the Government of the State of Meghalaya.

Establishment
of the
Council.

3. The State Government may, by notification in Official Gazette, establish a Council to be called the Meghalaya Nursing Council, which shall be a body corporate having perpetual succession and shall by the said name sue and be sued.

Members
of the
Council.

4. (1) The Council shall consist of the following persons nominated as members by the State Government, namely :—

(a) the Director of Health Services ;

(b) the Principal of the State Regional Training Institute (Family Welfare) ;

(c) two medical doctors from Government hospitals not below the rank of a District Medical and Health Officer of whom one should possess a specialisation or experience in obstetric or gynaecology ;

(d) two medical doctors from non-Government hospitals ;

- (e) the State Nursing Superintendent and the Assistant State Nursing Superintendent in the Directorate of Health Services ;
- (f) two Matrons, one each from Government and non-Government hospitals ;
- (g) two principal tutors, one each from Government and non-Government Schools of Nursing ; and
- (h) the President of the Trained Nurses Association of India, Meghalaya Branch.

(2) The nomination of members under sub-section (1) shall be in as far as possible a manner as may by rules be prescribed.

(3) The names of the members shall be notified in the Official Gazette and their term of office shall be three years from the date the notification is published in the Official Gazette and, subject to the provisions of the rules, the members shall be eligible for re-nomination.

(4) In the event of any vacancy in the Council due to death, resignation or otherwise of a member, another person shall be nominated in his place and such person shall hold office for the remaining period of the term.

(5) No act or proceeding of the Council shall be invalid merely on the ground of the existence of any vacancy in or any defect in the act of the Council.

Presidentship of the Council.

5. The Director of Health Services shall be the President of the first Council established immediately after the commencement of this Act and for subsequent Councils the members shall elect its President from amongst themselves.

Appointment of a Registrar & staff of the Council.

6. (1) The State Government may appoint a person to be the Registrar of the Council and his terms and conditions of appointment as such Registrar shall be as may by rules be prescribed.

(2) The Council may appoint other officers and staff on terms and conditions as may by regulations be prescribed.

Meeting of the Council. 7. (1) A meeting of the Council shall be presided over by the President and during his absence by a member elected from amongst those present.

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

Provided that the President or member presiding shall not vote in the first instance but only in case of a tie.

(3) The quorum for any meeting of the Council shall be of six members.

Functions of the Council. 8. Without derogation to any other law for the time being in force, the functions of the Council shall be to:—

- (a) register persons qualified to practise as nurses and to grant certificates of registration;
- (b) recognise schools of nurses in the State;
- (c) hold and conduct examination of student nurses and grant certificates;
- (d) arrange periodical inspection of schools of nurses; and
- (e) tender advice on training and maintenance of standard by the schools of nursing and generally on any matter pertaining to the nursing personnel and their profession.

Maintenance of a Register and Publication of extracts. 9. (1) The Council shall maintain a register in the form and manner as may by regulations be prescribed in which names of persons eligible to be registered as nurses under this Act are entered.

(2) The register shall, from time to time, be updated by making corrections and changes in the address, qualification, classification and appointment of the nurses and such other particulars as may be necessary.

(3) Extracts from the register relating to the names, addresses and other relevant particulars of the nurses shall be published in the Official Gazette once in every two years.

Removal of fraudulent entries from the Register. 10. An entry in the register which is subsequently found to be fraudulent shall be removed by an order of the Council:

Provided that no such order shall be made unless the person affected has been given an opportunity to state his case in the matter.

Bar, etc, for Registration. 11. The Council may by order bar, suspend or remove the registration of a person if—

(a) he has been convicted by a court of law for any offence involving moral turpitude;

(b) he has been guilty of misconduct, negligence of duty, or lack of integrity or professional ethics; or

(c) there are defects in his character which in the opinion of the Council may render the retention of his name in the register undesirable:

Provided that no action shall be taken on grounds referred to in clauses (b) and (c) of this section unless an enquiry at which an opportunity has been given to the person concerned to state his case, has been made and the Council by a majority of two-thirds of the members present and voting decides that such action should be taken.

Appeal 12. Any person aggrieved by order of the Council under section 11 may within thirty days from the date on which the notice has been served on him, appeal to the State Government and its decision shall be final.

Persons eligible for registration under this Act. 13. Subject to the provisions of this Act, rules and regulations and any law in force, the following persons shall be eligible for registration, namely,—

(a) a person already registered under the Assam Nurses, Midwives, Health Visitors' Registration Act, 1944, and which persons are residing and practising as nurses in the State of Meghalaya immediately before the commencement of this Act;

(b) persons who have successfully undergone the course of training in a school of nursing recognised by the Council; and

(c) persons who have passed out from schools of nursing or such other recognised institutions in other States in India and who fulfill the conditions as may, by regulations, be prescribed.

Bar to practise as Nurses.

14. No person shall practise and no hospital, dispensary, nursing home or institution by whatever name called shall engage any person as a nurse unless such person has been registered with the Council under this Act.

Penalty

15. Whoever practises or allows a person to practice as a nurse in contravention of section 14 shall be punished with a fine which may extend up to rupees two thousand and up to rupees two hundred for each day the offence continues after conviction.

Power to inspect Hospitals, etc.

16. The Council may authorise the Registrar or any member to inspect any hospital, dispensary, nursing home or school of nursing to ascertain that the persons working therein as nurses are registered with the Council and, in the case of a school of nursing, that it conforms to the standards prescribed and the Registrar or member may call for records and other information from the authority concerned and such authority shall supply all true and correct information in its possession.

Derecognition of a School of Nursing.

17. (1) The Council may, for reasons to be recorded in writing, derecognise a school of nursing if it is of the opinion that the training standard in the school has fallen short of the requirement, or that it is otherwise no longer desirable to recognise it in public interest.

(2) A person aggrieved by an order of derecognition under sub-section (1) may appeal to the State Government within one month from the date the order is served on him and the decision of the State Government thereon shall be final.

Protection of action taken in good faith.

18. No suit or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Act, rules or regulations.

Taking cognizance of offences.

19. No Court shall take cognizance of any offence under this Act except on a complaint made by the Registrar,

- Members, etc., to be public servants.
- Power to make Rules.
- Power to make regulations.
- Laying of Rules & Regulations in the Legislature.
- Repeal of Assam Act 2 of 1944.
20. The members, the Registrar and other officers of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
21. The State Government may make rules for carrying out the purposes of this Act and such rules may provide for—
- (a) the manner contemplated in sub-section (2) of section 4 for nomination of members;
 - (b) the terms and conditions of appointment of a Registrar;
 - (c) fees payable for an appeal under section 12 or sub-section (2) of section 17; and
 - (d) any other matter which is required to be prescribed by rules.
- 22.(1) The Council may with previous approval of the State Government make regulations not inconsistent with the provisions of the rules for the purpose of this Act and such regulations may provide for—
- (a) the manner of convening meetings of the Council and of transacting business and disposing of urgent matter ;
 - (b) the sitting fees and travelling expenses of the members ;
 - (c) the form of application for registration and fees payable therefor ;
 - (d) the form of application and conditions under which nurses of other States may be registered and fees payable therefor ;
 - (e) the form in which the register shall be maintained and extracts therefrom published ;
 - (f) the appointment of officers and employees of the Council, their pay and other conditions of service ;
 - (g) the conduct, practice and professional ethics for the nurses and ;
 - (h) any other matter which is required to be prescribed by regulations ;
23. All rules and regulations made under sections 21 and 22 shall, as soon as may be after they are made be laid in the Legislature of the State of Meghalaya.
- 24 (1) The Assam Nurses', Midwives', Health Visitors' Registration Act, 1944 is hereby repealed.
- (2) Notwithstanding such repeal any action taken under the Act so repealed shall be deemed to have been taken under the corresponding provisions of this Act.

E. W. MAIROM,
Deputy Secretary to the Govt. of Meghalaya,
Law (B) Department.