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## NOTIFICATION

No.LJD 5/90/30, the 17th August, 1990. The following Act of the Mizoram Legislative Assembly which received the assent of the Governor is hereby published for general information.

The Mizoram Act No. 13 of 1990.  
The Mizoram Nursing (Registration) Act, 1990.

(Received the assent of the Governor of Mizoram on 13th August, 1990.)

## AN ACT

to provide for the registration and better training of Nurses, Nurse-Midwives, Health Visitors, Auxiliary Nurse-cum-Midwives and Health Workers in Mizoram.

Be it enacted by the Legislative Assembly of Mizoram in the Forty-First Year of the Republic of India as follows :

Short title, extent and commencement. 1. (1) This Act may be called The Mizoram Nursing (Registration) Act, 1990.

(2) It shall extend to the whole of the State of Mizoram.

(3) It shall come into force with effect from the date of publication in official Gazette.

- Definitions. 2. In this Act, unless the context otherwise requires -
- a) "Auxiliary Nurse-cum-Midwives" means persons employed to perform the duties of Health workers in the community health Centres or Auxiliary Nurse-cum-Midwifery having qualified for training in two years course of Auxiliary Nurse-cum-Midwife with basic qualification of Class-X passed or High School Leaving Certificate constituted under this Act;
  - (b) "Council" means the Council constituted under this Act;
  - (c) "Health Visitor" means a person employed as Health Visitor after successful completion of two years course of Health Visitors with a minimum qualification of High School Leaving Certificate or its equivalent. They are mainly employed as Health Supervisors in the Main Centres and are responsible for Supervision of Health workers of the Sub-Centres within the jurisdiction of the concerned Main-Centres;
  - (d) "Health worker" means a person employed to perform the duties of Health Worker after successful completion of one and a half year training course of Health Worker with minimum qualification of High School Leaving Certificate or equivalent. They are employed as Health Worker in the Sub-Centres;
  - (e) "Nurses" means persons appointed to perform the duties of Nurses who have successfully completed Nursing Course of three years with minimum qualification of Pre-University Course or its equivalent qualification;
  - (f) "Nurse-Midwives" means persons appointed to perform the duties of Nurse-Midwives who have successfully completed another six months duration of Midwifery Course after successful completion of Nursing Course. They are eligible for employment as Staff Nurse;
  - (g) "Official Gazette" means the Mizoram Gazette;
  - (h) "prescribed" means prescribed by rules or regulations made under this Act;
  - (i) "President" means the President of Nursing Council;
  - (j) "Register" means a Register of Nurses, Nurse-Midwives, Auxiliary Nurse-cum-Midwives, Health workers and Health Visitors maintained under section 13 of this Act;
  - (k) "State Government" means the the State Government of Mizoram.

Incorporation of the Council.

3. The State Government may, by notification in the Official Gazette establish a Council to be called the 'Mizoram Nursing Council' for the purpose of carrying out the provision of this Act. Such Council shall be a body incorporated and have perpetual succession and a Common Seal, with power to acquire property; both movable and immovable and shall, by the said name, sue and be sued.

Constitution and Composition of the Council

4. (1) The State Government of Mizoram State Shall constitute the council consisting of the following members, namely:—
- (a) Principal Tutor of the School of Nursing Civil Hospital, Aizawl.
  - (b) Nursing Officer (Principal) of Health worker Female Training School, Aizawl.
  - (c) One Matron from Civil Hospitals nominated by the Director of Health Services.
  - (d) Two Nurse members from Private Nursing Institutions as nominated by the State Government.
  - (e) Principal Medical Officer of Health Worker Training School, Aizawl.
  - (f) One Nurse member nominated by the Trained Nurses Association, Mizoram Branch.
  - (g) One member nominated by Multipurpose Health workers Association.
  - (h) Director of Higher and Technical Education or his nominee.
  - (i) Secretary, Mizoram Board of School Education or his nominee.
  - (j) Deputy Director (Nursing), Ex-Officio.
  - (k) Director of Health Services, Ex-Officio.
  - (l) Two members nominated by the State Government.
- (2) The name of every member nominated under sub-section (1) shall be published by the Government in the Mizoram Official Gazette.
- (3) No Act of the Council shall be questioned on the ground merely on the existence of any vacancy of membership in the Council.

Election and  
term of Office of  
the President  
and Vice-  
President.

5. (1) **PRESIDENT AND VICE PRESIDENT :** At the first meeting of the Council, the Council shall proceed to elect the President and Vice President from amongst the members thereof.

The members present shall elect from amongst themselves a Chairman for conducting the proceedings till the election of the President. Names shall be proposed and seconded by members at the meeting. Votes shall be taken by ballot, each member present having one vote for the election of President and another one vote for the election of Vice President. In case of a tie, the meeting Chairman shall have the right of casting vote.

- (2) When any vacancy arises in the Office of the President or Vice President, the council shall elect the President or Vice President as the case may be, at the first meeting called after such vacancy.
- (3) The term of the President and Vice President shall be two years. The same person shall not be eligible to hold the Office of the President for more than two consecutive terms.

Term of Office  
and Casual  
vacancies.

6. (1) Subject to the provision of section 7 and 8 and any rule made in this Act, the term of the nominated member shall be three years.
- (2) A nominated member shall be eligible for renomination as the case may be, at the end of his term of Office.
- (3) The powers of the Council shall be exercised notwithstanding any vacancies in the number or its member fixed by section 4.

Filling up  
of Casual  
Vacancies.

7. If any member dies or resign his membership or ceased to be a member as provided in section 8 the vacancies shall be filled by fresh nomination as provided by section 4 or by holding election as provided at sub-section (1) of section 5 as the case may be, provided that any person nominated or selected to fill a casual vacancy shall hold Office only so long as the member in whose place the nomination or election is made would have held office.

Cessation of  
membership.

8. A nominated or elected member of the Council shall be deemed to have vacated his seat if-
- (a) He is absent without sufficient excuse in the opinion of the council from three consecutive meetings of the Council and

- (b) He is absent out of India for any period exceeding six months.
- Leave of absence to members. 9. The Council may permit any member to absent himself from the meetings of the Council for any period not exceeding six months.
- Meeting of the Council and Constitution of Committee. 10. (1) The Council shall meet, ordinarily, at least once in every six months for the transaction of its business but the President may, whenever he thinks fit shall upon a written requisition of not less than seven members and on a date not later than 21 days after the receipt of such requisition call an extra ordinary meeting. Whenever it appears unnecessary to the President to convene a meeting, he may, instead of convening a meeting, circulate a written proposition with the reasons for such proposition for the observation and votes of the members of the Council.
- (2) The Council shall be empowered to regulate :—
- (a) the mode of transaction of business including provision for decisions on emergent matters by the circulation of papers to members, and for co-opting persons specially qualified to advice on any particular matters before the Council ;
- (b) the time and place at which its meetings shall be held ;
- (c) the issue of notices convening such meetings
- (d) the conduct of business there-at ; and
- (e) the constitution of the sub-committees,  
the delegation to such committees of any powers or duties of the Council under this Act and the procedure of the transaction of business shall not be transacted at any meeting of the Council, unless a quorum of four members are present; and all questions arising at any meeting of the council shall be decided by the votes of majority of the members present and voting or in any case of an equality of votes by casting votes of the President to the Council, or in his absence, of the member presiding at the meeting.
- (3) Until such time as the regulations referred to in sub-section (1) have come into operation, it shall be lawful for the President of the Council to summon a meeting at such time and place as to him seem expedient by letter addressed to each member.
- Payment of fees and travelling expenses to members. 11. In accordance with the rules made in this regard shall be paid to the members of the Council such fees or travelling expenses for attendance at the meetings of the Council or for inspecting institutions as may from time to time be allowed by the Council.

- Appoint-  
ment of  
Registrar and  
other Officers  
of the Council.
12. (1) With the previous approval of the State Government the Council -  
 (a) shall appoint the Registrar ;  
 (b) May grant leave to such Registrar and appoint a person to act in one's place and  
 (c) Shall pay to the Registrar and to the person if any, appointed to act in one's place, such salaries or remuneration and such allowances, if any, as the Council may determine.
- (2) The Council may appoint such other Officers, clerks and other servants as it may consider necessary for the purpose of this Act, and shall pay them such salary or remuneration and such allowances, if any, as the Council may determine.
- (3) The Registrar shall Act as Treasurer to the Council.
- Maintenance  
of Registers.
13. The Council shall maintain a Register of :-  
 (a) Nurses ;  
 (b) Nurse-Midwives ;  
 (c) Health Visitors ;  
 (d) Health Workers and ;  
 (e) Auxiliary Nurse-cum-Midwife in such forms containing such particulars and divided into such parts as may be prescribed.
- Maintenance  
of the Regis-  
ter by the  
Registrar.
14. (1) The Registrar shall keep the registers in accordance with the provisions of this Act and in accordance with any orders made by the Council, and shall from time to time make all necessary alterations in the registered addresses or appointments and in the classifications of the registered Nurses, Nurse-Midwives, Health Visitors, Health Workers and Auxiliary Nurse-cum-Midwives and erase the name of any such Nurse, Nurse-Midwife, Health Visitors, Health Workers or Auxiliary Nurse-cum-Midwife who is dead or has ceased to practice.
- (2) To enable the Registrar to fulfill the duties imposed upon him by sub-section (1) he may send notice to any person registered according to his registered address or appointment as has been changed, and if no reply to any such notice is received within a period of six months from the date of its despatch, the Registrar may erase the name of such person from the register in which it is entered, provided that any name erased under sub-section (2) may be re-entered in the Register under the direction of the Council.

- (3) The candidate applying for registration should enclose two copies of passport size photographs with Uniform in his application duly countersigned by the head of the institution from where he was trained. One copy of Photographs will be affixed in the certificates, and the other copy in the register itself. In case of applying for duplicate copy of the certificates, they will have to send their photographs again, without which no duplicate copy will be issued.

- Erasure of names from the Registers on notice of death. 15. On receipt of the certificate of death from prescribed authority, the council shall erase the name of the deceased person from the Register in which his name is entered.
- Erasure of fraudulent and incorrect entries in the registered. 16. If the Council is satisfied that any entry in the Register have been fraudulently or incorrectly made the same may be erased under the order of the Council.
- Person entitled to be registered. 17. (a) Nurse (b) Nurse-Midwives (c) Health Visitors (d) Auxiliary Nurse-cum-Midwives (e) Health Workers who have undergone the course of training as prescribed by the Indian Nursing Council from the recognised training institutions and passed the examination and fulfilled such further conditions as may be prescribed.
- Admission to register of persons trained outside Mizoram. 18. On receipt of an application in the prescribed form and on payment of such fee, not being less than the fee payable on ordinary application for registration under this Act as the Council may demand, any person shall be entitled to be registered under this Act provided to the satisfaction of the Council that he has been registered either as a Nurse, Nurse-Midwife, Health Visitor, Auxiliary Nurse-cum-Midwife or Health Worker in any State outside Mizoram in respect of which the Council is satisfied, that the standard of training and examination required for admission to the Register of Nurse, Nurse-Midwives, Health Visitors, Auxiliary Nurse-cum-Midwives and Health Workers established under the said Act or provision is not lower than the standard of the training and examination required under this Act.

Provided that notwithstanding any rule made under clause (b) of (1) of section 4 no fees shall be chargeable for the registration under this section of a Nurse, Nurse-Midwives, Health Visitor, Auxiliary Nurse-cum-Midwife Health Workers whose name has been registered in a State in India between the Government of which and the State Government the principle of reciprocity of registration has been accepted.

Refusal of registration and removal and re entry of names.

19. (1) The Council may refuse to permit registration of any person as a Nurse, Nurse-Midwife, Health Visitor, Auxiliary Nurse-cum-Midwife or Health Worker and when he is registered as Nurse, Nurse-Midwife or Health Worker may direct the temporary or final removal of his name from the register of Nurse, Nurse-Midwife, Health Visitor, Auxiliary Nurse-cum-Midwife or Health Worker on any of the following grounds :-

- (a) that he has been sentenced by any Court for any non-bailable offence, or sentence not having been subsequently reversed or quashed.
- (b) that he has been guilty of any offence which in the opinion of the Council indicates professional incompetence, negligence, or contravention of regulation ordinarily included in the performance of the duties of Nurses, Nurse-Midwives, Health Visitors, Auxiliary Nurse cum-Midwife or Health Workers.
- (c) that there are defects in his character which in the opinion of the Council would render the entry or retention of his name on the register undesirable.
- (d) that Nurse, Nurse-Midwife, Auxiliary Nurse-cum-Midwife, Health Visitors or Health Worker who fails to apply for registration within five years from the date of passing, will no longer be eligible for registration. The Council may, however, consider special case at its discretion.
- (e) Any name so removed may afterwards be re-entered in the Register and any order of refusal of registration passed under sub-section (1) may be withdrawn under the direction of the Council given by majority of two-thirds of the members present and voting at the meeting.

Registration under this Act not to qualify as medical practitioner.

20. The registration under this Act shall not confer upon any person right to assume any title, name or designation implying that he is, by law, recognised as a medical practitioner, or that he is authorised to grant any medical certificate or any certificate of death or still birth, or to undertake the charge of cases of abnormality or diseases in connection with puerperium.

Institution for training Nurses, Nurse-Midwife, Health Visitor, Auxiliary-Nurse-cum-Midwives or Health Worker to be recognised by the Council.

21. (1) The Institution which are approved and recognised by the Council after inspection by its President or any member appointed by the President shall be competent to train Nurses, Nurse-Midwives, Health Visitors, Auxiliary Nurse-cum-Midwives or Health Workers and to send them for examination for the qualifying certificate of the Council.



- (2) All the recognised institution shall be inspected by the President of the Council at least once in two years.

- Withdrawal of recognition from Institution. 22. Whenever the council on receipt of an adverse report, is of opinion that an enquiry, should be made as to the desirability of withdrawing recognition from a particular institution, it shall depute its President and a member for further inspection on such terms as it thinks fit and at the same time call upon the Institution to show cause as why its recognition should not be withdrawn. The council, after consideration of the report so received and of the explanation, if any, by the Institution, withdraw the recognition. The order of such withdrawal shall be in writing and served in the prescribed manners.
- Appeal. 23. Any person or institution aggrieved by an order of the Council under section 19 or section 22 may appeal to the Government within three months from the date of such order, the decision of the Government on the appeal shall be final.
- Prohibition of issue of Certificates and entry of names by unrecognised Institution. 24. No Hospital, School, other similar Institution which has not been approved or recognised under sub-section (1) of section 21 shall issue to any person a certificate or enter the name of any person on a list of register or other document purporting to show that such person is qualified by having passed any examination or undergone any course of training to practice as Nurse, Nurse-Midwife, Health Visitor, Auxiliary Nurse-cum-Midwife or Health Worker unless such person has been registered under this Act.
- Supervision by District Chief Medical and Health Officer. 25. The District Chief Medical and Health Officer of the District or such other person as may be appointed by the Council shall in consultation with the local authorities and subject to prescribe conditions and restrictions, exercise general supervision over Nurses, Nurse-Midwives, Health Visitors, Auxiliary Nurse-cum-Midwife and Health Workers within the district and exercise and perform such other powers and duties as may be prescribed.
- Disabilities of un-registered person. 26. After the expiration of seven years from the commencement of this Act, no dispensary, Hospital, infirmary or lying-in hospital shall employ any person as a Nurse, Nurse-Midwife, Health Visitor, Auxiliary Nurse-cum-Midwife or Health Worker unless he is registered under this Act.
- Penalty for dishonest use of Certificates. 27. (a) Any person who dishonestly makes use of any Certificate of registration issued under the provision of this Act to him or any other person ; or

- (b) Procures or attempt to procure registration under provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration, or certificate or representation whether in writing or otherwise or
- (c) Wilfully made or causes to be made any false representation in any matter relating to the Register of Certificates issued under the provision of this Act, or
- (d) Being the Secretary, Manager or other Officer of a Hospital, School or other Institution issues or authorise the issue of a certificate to any person or enters, or authorise entry of the name of such person in contravention of section 24 shall be punished with a fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months or with both.

Penalty for 28. unlawful assumption of a title or Registered Nurse, Nurse-Midwife, Auxiliary Nurse-cum-Midwife, Health Visitor or Health Worker.

Any person who not being a Nurse, Nurse-Midwife, Auxiliary Nurse-Cum-Midwife, Health Visitor or Health Worker registered under this Act, assumes or uses the name or title of Registered Nurse, Nurse-Midwife, Health Visitor, Auxiliary Nurse-cum-Midwife or Health Worker or uses any name, title, addition, description or signboard implying that such person is a Registered Nurse, Nurse-Midwife, Auxiliary Nurse-cum-Midwife, Health Visitor or Health Worker as the case may be, shall be punished, with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to six months or with both.

Publication and use of annual list of registered Nurses, Nurse-Midwife, Auxiliary Nurse-cum-Midwife, Health Visitor or Health Workers 29.

- (1) The Registrar shall, in every five years, on or before a date to be fixed in this behalf by the council cause to be printed and publish correct lists of the names for the times being entered in the several parts of the Registers of Registered Nurses-Nurse-Midwife, Health Visitors, Health Workers, and Auxiliary Nurse-cum-Midwife, setting forth—
  - (a) All the names entered in the several parts of the respective Registers arranged in alphabetical order according to surnames,
  - (b) The registered address or appointment of each person whose name is so entered in the registers, and
  - (c) The registered qualification of each, such 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 such list is duly registered

such list 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 such printed lists a certified copy, signed by the Registrar, of the entry of the name of such person in a Register of Nurse, Nurse-Midwife, Health Visitor, Auxiliary Nurse-cum-Midwife or Health Workers shall be 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 on the printed Register of Nurses, Nurse-Midwives Health Visitors, Auxiliary Nurse-cum-Midwife or Health workers as the case may be, has been removed from such Register and specifying the date of such removal be evidence that such person is not registered under this Act and of the date from which she ceased to be so registered.

- Court competent to try offences under this Act. 30. No Court lower than a Magistrate of the First Class shall try any offence under this Act.
- Cognizance of offence. 31. No Magistrate shall take cognizance of any offence punishable under this Act except upon complaint made by the council.
- Power of Government to make rules. 32. (1) The State Government may by notification in the Official Gazette make rules to carry out all or any of the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely —
- (a) Prescription of the period of less than 3 years for which a member of the Council may hold office under section 6;
- (b) Prescription of the manner in which nomination and election of President and Vice President shall be made and casual vacancies shall be filled under section 5 and 7;
- (c) Prescription of the form in which a Register shall be kept, the particulars to be entered in such Register, and the parts in which such Register shall be divided under section 13 ;
- (d) Prescription of the manner in which an order of removal or refusal shall be served on persons under section 19 ;

- (e) Prescription of the fees payable in respect of an appeal under section 23 ; and
- (f) Any matter which is to be or may be prescribed.

Power of the Council to make Bye-Law.

33. (1) The Council may make bye-law not inconsistent with this Act or the Rules prescribed by the Government—
- (a) regulating the compilation, maintenance and publication of the Register and the conditions of admission to the Register ;
  - (b) Prescribing the fees payable on application for registration, the form in which such applications shall be made and the condition subject to which names shall be entered in the Register ;
  - (c) Prescribing and regulating the examination which must be passed as a condition of admission to the Register and any matter ancillary to or connected with such examinations, including the Courses of training which the candidates appearing for examination shall undergo ;
  - (d) Prescribing the cause for which, the conditions, under which and the manner in which the names of Nurses, Nurse-Midwives, Health Visitors, Auxiliary Nurse-cum-Midwives and Health Workers may be removed or re-entered in the Register under section 19 ;
  - (e) for the approval of any Institution for the purpose of such training and the granting of diploma to candidates passing examination ;
  - (f) regulating the conditions under which Institutions for Nursing and sick, maternity and child welfare may be approved and recognized by the council ;
  - (g) appointing a Registrar and such other servants as may be necessary ;
  - (h) regulating the pay, pension, conduct and other conditions of services of persons ;
  - (i) regulating and supervising the practice of their profession by the Registered Nurses, Nurse-Midwives, Auxiliary Nurse-cum Midwives, Health Visitors and Health Workers.
  - (j) Regulating the publication of the names registered under Nurse, Nurse-Midwives, Health Visitors, Auxiliary Nurse-cum-Midwives and Health Workers and their residences ;

- (k) regulating the conditions under which such Nurses, Nurse-Midwives and Health Visitors registered in other States in India or in any countries other than India may be admitted to Register, on such other States and countries granting reciprocal registration to person registered on the Register of the Council.
- (l) determining the manner in which all fees levied under this Act and moneys received by the Council shall be accounted for, audited and applied for the purposes of this Act, and for regulating the expenditure of the Council generally and
- (m) generally for the provision of any matters in respect of which the Council considers provision should be made for the purposes of this Act;
- (n) All the bye-law made under this section shall be published in the Official Gazette after approval by the State Government.

Protection of persons acting on good faith under the Act, Rules or Bye-Laws.

34. No suite or other legal proceedings shall be instituted against any person for anything done or intended to be done in good faith under this Act, Rules or Bye-Laws made thereunder.

Certain persons to be public Servants.

35. Every person appointed under sub-sections (1) and (2) of section 12 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

Repeal and saving.

- 36. (1) The Assam Nurses, Nurse-Midwives and Health Visitors, Registration Act, 1944, in so far as it applies in Mizoram is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the provisions of this Act.

K.N. Srivastava,  
Secretary to the Govt. of Mizoram,  
Law Judicial & Parliamentary Affairs Deptt.