

SIND ACT No. XIII OF 1939¹.[THE SIND NURSES, MIDWIVES AND HEALTH VISITORS
REGISTRATION ACT, 1939.]

[18th May, 1939]

An Act to provide for the registration and better training of nurses,
²[midwives and health visitors] in the Province of Sind.

WHEREAS it is expedient to provide for the registration and better training of nurses, midwives, health visitors, ³* * * and ⁴[assistant midwives] in the Province of Sind; It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Sind Nurses, ⁵[Midwives and Health Visitors] Registration Act, 1939.

(2) It shall extend to the whole of the Province of Sind.

(3) (a) This Act, with the exception of section 25, shall come into force on such ⁶date as the Provincial Government may, by notification in the ⁷[Official Gazette], appoint.

(b) Section 25 shall come into force in the Municipal and Cantonment areas of ⁸* * * * Hyderabad and Sukkur on the expiry of two years from the passing of this Act, and in areas of other local authorities on such date as the Provincial Government may, by notification in the ⁷[Official Gazette], from time to time appoint.

Definitions.

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

(a) "affiliated institution" means an institution for the nursing of the sick, maternity or child welfare, which may be affiliated to the Council in accordance with the bye-laws;

(b) "bye-law" means a bye-law made by the Council under section 30;

(c) "Council" means the Sind Nurses, ⁵[Midwives and Health Visitors] Council, constituted under section 3;

¹ For Statement of Objects and Reasons, see S. G. G., 1938, Pt. IV, p. 556; for Report of the Select Committee, see S. G. G., 1939, Pt. IV, pp. 15-18; for proceedings in Assembly, see S. L. A. Debates, 1939, Vol. VI-Book No. 4, pp. 90-97; Book No. 9, p. 67; Vol. VII-Book No. 8, pp. 89-91; Vol. VIII-Book No. 8, pp. 35-50.

² Subs. by Sind 15 of 1943, s. 3, for "midwives, health visitors and 'dais'".

³ The words "nurse-dais" omitted by *ibid.*, s. 2(6).

⁴ Subs. *ibid.*, s. 2(a), for "trained dais".

⁵ Subs. *ibid.*, s. 4, for "Midwives, Health Visitors and Dais".

⁶ This Act except section 25 came into force w. e. f. the 1st day of October, 1941, vide G. N., G. D., No. 393-G.C./37/II, dated the 23rd September 1941, see S. G. G., 1941, Pt. I, p. 2525.

⁷ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "S. G. G.".

⁸ The word "Karachi," rep. *ibid.*, s. 6, Sch. II.

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(d) "institution" includes any association which maintains or controls a nursing establishment;

(e) "nurse" means a person who holds a certificate in nursing from any institution recognised in this behalf by the Provincial Government and includes a male nurse;

(f) "midwife" means any person who has been granted a diploma of midwifery recognized by the Council, or one who has been registered under sub-section (1) of section 14;

(g) "health visitor" means a person who has obtained the health visitor's certificate of a recognised health school or such other equivalent certificate as the Provincial Government may notify in this behalf;

(h) *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 recognized by the Council;

(i) "[assistant midwife]" means a [person] who has been granted a training certificate under the bye-laws made by the Council, or one who has been registered on application made under sub-section (1) of section 14;

³(j) * * * * *

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

(l) "register" means a register maintained under section 13, and the expressions "registered" and "registration" shall be construed accordingly;

(m) "registered medical practitioner" means a person registered under [the Sind Medical Council Act, 1944].

(n) "unregistered" means not registered in accordance with the provisions of section 14 or 20;

(o) "rule" means a rule made by the Provincial Government under section 29.

3. (1) The Provincial Government may, by notification in the ⁵[Official Gazette], establish a Council to be called "⁶[the Sind Nurses, Midwives, and Health Visitors Council]" for the purpose of carrying out the provisions of this Act. Such Council shall be a body corporate, and have perpetual succession and a common seal and may, by the said name, sue and be sued.

Establishment, incorporation and constitution of the Council.

¹ Subs. by Sind 15 of 1943, s. 2(a), for "trained dai".

² Subs. *ibid.* s. 5(a), for "dai".

³ Cl. (j) omitted *ibid.* s. 5(b).

⁴ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "the Bombay Medical Act, 1912".

⁵ Subs. *ibid.* s. 7, Sch. III, for "S. G. G.".

⁶ Subs. by Sind 15 of 1943, s. 6 (1) (a), for "the Sind Nurses, Midwives, Health Visitors and Dais Council".

¹[(2) The Council shall consist of the following persons, namely:—

- (a) the Director of Health Services, Sind;
- (b) one member of the Sind Legislative Assembly;
- (c) one fully qualified and Registered Nurse and Midwife nominated by Government;
- (d) not exceeding four persons to be appointed by the Provincial Government from amongst persons specified in the Schedule;
- (e) two members of the Sind Medical Council elected by the said Council;
- (f) the Senior Nurse, Civil Hospital, Sukkur;
- (g) the Superintendent of Nursing and Maternity Services, Sind;
- (h) a member of the Trained Nurses Association of Pakistan;
- (i) the Matron, Women's Hospital, Hyderabad, Sind;
- (j) a Registered Nurse to be elected from among those on the Register of the Sind Nurses, Midwives and Health Visitors Council; and
- (k) a registered midwife to be elected from among those on the Register of the Sind Nurses, Midwives and Health Visitors Council.]

²[(2A) The Provincial Government may, from time to time by notification in the *Official Gazette*, amend the Schedule by adding thereto or omitting therefrom any person or class of persons and if the Schedule is so amended, the reference to the Schedule in clause ³[(d)] of sub-section (2) shall be construed as a reference to the amended Schedule.]

(3) The appointment and election of members other than those appointed by virtue of their office shall be notified by the Provincial Government in the ⁴[*Official Gazette*].

(4) The President and the Vice-President of the Council shall be elected from among the members of the Council and each of them shall hold office for one year or until the election of his successor.

¹ Subs. by Sind 24 of 1952, s. 2(i), for the original sub-section (2) which was amended by Sind 15 of 1943, 8 of 1945 and 4 of 1948, respectively.

² Sub-section (2A) ins. by Sind 8 of 1945, s. 2(2).

³ Subs. by Sind 24 of 1952, s. 3(i), for "(c)".

⁴ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "S. G. G.". at Institute

(5) The President or Vice-President may resign his office by notice in writing to the Secretary and on his resignation being accepted by the Council the office shall become vacant.

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

¹[(7) Notwithstanding anything hereinbefore contained, if the President ceases to be a member of the Council or the office of the President otherwise becomes vacant, the member appointed under clause (a) of sub-section (2) shall act as the President until the election of a new President.]

4. If any of the institutions ²[or class of person] referred to in clauses ³[(c)] to (k) of sub-section (2) of section 3 does not, by such date as may be prescribed, nominate a person to be a member of the Council, the Provincial Government shall, by order in writing, appoint to the vacancy a person qualified for election thereto; and the person so appointed shall be deemed to be a member of the Council as if he had been duly elected by the said institution ²[or class of person].

Appoint-
ment of
members in
default of
election.

5. (1) The term of office of a member of the Council, other than an *ex-officio* member, shall be three years, and shall commence from the date of notification of his appointment or election, as the case may be, under sub-section (3) of section 3.

Term of
office of
members.

(2) The term of office of an *ex-officio* member shall continue as long as he holds the office in virtue of which he is such a member.

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

(4) Any member shall be eligible for re-appointment or re-election at the end of his term of office.

6. When a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed. Any person appointed or elected to fill a casual vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the member in whose place he is appointed or elected would have held office, if the vacancy had not occurred.

Vacancies.

¹ Sub-section (7) ins. by Sind 8 of 1945, s. 2(3).

² Ins. *ibid*, s. 3.

³ Subs. by Sind 24 of 1952, s. 4, for "(d)".

Vacancy not
to affect
proceedings.

7. If a vacancy in the office of a member of the Council has occurred, the continuing members thereof shall act as if no vacancy had occurred, and no act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or appointment of a person acting as a member of the Council.

Disqualifica-
tions.

8. No person shall be a member of the Council—

(a) who has been sentenced by a criminal court for an offence punishable with imprisonment for a term exceeding three months or to transportation, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which the Provincial Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence, or

(b) who is an undischarged insolvent, or

(c) who has been adjudicated by a competent court to be of unsound mind, or

(d) whose name has been removed from the register :

Provided that the disqualification incurred under clause (a) shall not operate against persons convicted on account of their political activities.

Disabilities
from conti-
nuing as
members.

9. (1) If any member, during the period for which he has been appointed or elected—

(a) absents himself without excuse, sufficient in the opinion of the Council, from all meetings of the Council for a consecutive period of four months, but if less than three meetings have been held in four consecutive months, then on the member's absents himself for three meetings ; or

(b) is absent out of ¹[Pakistan] for a period exceeding eight consecutive months ; or

(c) becomes subject to any of the disqualifications specified in section 8 ; or

(d) having been elected ²[under clause] (e) of sub-section (2) of section 3, ceases to be a registered medical practitioner ;
or

¹ Subs. by the Sind Laws (Adaptation Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (ii) (b) (w. e. f. 30th May 1955), for "India".

² Subs. by Sind 24 of 1952, s. 5, for "by the institutions referred to in cls. (d) and".

(e) having been elected under clause (j) or (k) of sub-section (2) of section 3, ceases to be a registered nurse or registered midwife, as the case may be ;

the President of the Council shall forthwith report the fact to the Provincial Government who shall thereupon, by order in writing, declare his seat to be vacant.

(2) If any question arises whether a vacancy has occurred under sub-section (1), the orders of the Provincial Government shall be final for the decision of such question.

10. The Council may permit any member to absent himself from the meetings of the Council for any period not exceeding nine months. Leave of absence to members.

11. Notwithstanding anything contained in this Act, the Provincial Government may, at any time, for any reason which it may deem to affect the public interests or at the request of a majority of two-thirds of the members of the Council, by notification direct that the seat of any specified member, whether elected or appointed by name, shall be vacated on a date specified in the notification, and such seat shall thereupon be vacated accordingly. Removal of any member.

12. (1) With the previous sanction of the Provincial Government, the Council— Registrar and establishment for the Council.

(a) shall appoint a Registrar ;

(b) may grant leave to such Registrar and appoint a person to act in his place ; and

(c) shall pay to the Registrar and to the person, if any appointed to act in his place such salary and such allowances if any, as the Council may determine.

(2) The Council may appoint such other officers and such clerks and servants as they may consider necessary for the purposes of this Act, and shall pay them such salary and allowances, if any, as the Council may determine.

(3) The Registrar shall act as Secretary to the Council.

(4) Every person appointed under sub-section (1) or sub-section (2) shall be deemed to be a public servant within the meaning of section 21 of the ¹[Pakistan] Penal Code.

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w. e. f. 30th May 1951), for "Indian".

Maintenance
of register.

13. The Council shall maintain a register of—

- (i) nurses,
- (ii) midwives,
- (iii) health visitors, ¹[and]
- ²(iv) * * * * *
- (v) ³[assistant midwives],

in such forms, containing such particulars, and divided into such parts as may be prescribed.

Persons
entitled to
registration.

14. (1) Persons who have undergone such courses of training, have passed such examinations and who fulfil such other conditions as may be prescribed, shall, on payment of the prescribed fee and on making an application in the prescribed form, be entitled to registration :

Provided that nurses, midwives and health-visitors who are at the commencement of this Act enrolled on the registers maintained by the Bombay Nurses, Midwives and Health Visitors' Council, and nurses, midwives and ³[assistant midwives] holding the training certificate issued ⁴[on or before the twentieth day of September 1943] by the Lady Dufferin Hospital, Karachi, or by the Louise Lawrence Institute, Karachi, the Sind Provincial Branch or any District Branch of the Indian Red Cross Society or by the Lady Graham School for *Dais* at Sukkur or by the Lady Graham *Dais* Improvement and Village Upliftment Scheme, Hyderabad, or by any other institution which the Provincial Government may recognise as competent to train midwives ⁵[and assistant midwives shall], on making an application within ⁶[such period as the Council may from time to time, by notification in the *Official Gazette* specify], be entitled to have, according to their respective qualifications their names transferred to or entered in the appropriate registers maintained under section 13 without being required to undergo further training or examination.

(2) The Council may, for the purpose of carrying out the duties imposed upon it by sub-section (1), by registered letter sent to the registered address of any registered person, require such person to state whether he has ceased to practise, or whether his residence or address has been changed ; and if no answer to any such letter is

¹ Added by Sind 15 of 1943, s. 7(a).

² Item "(iv) nurse-dais, and" omitted *ibid*, s. 7(b).

³ Subs. *ibid*, s. 2(a), for "trained dais".

⁴ Ins. by Sind 8 of 1945, s. 4.

⁵ Subs. by Sind 15 of 1943, s. 8, for "and dais, shall".

⁶ Subs. by Sind 4 of 1948, s. 3, for "five years from the date on which this Act comes into force".

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received within a period of six months from the date of its delivery, the Council may remove the name of such person from the prescribed register :

Provided that any name removed under this sub-section may be re-entered in the register under the direction of the Council.

(3) The Council may, by resolution, order to be removed or corrected any entry in a register, if it is satisfied that such an entry was fraudulently or incorrectly made.

15. (1) The Council may, after giving an opportunity to the person concerned to be heard in his defence and to appear, and after holding an enquiry in the prescribed manner, for any reason, refuse to enter in the register the name of any person, or may order the removal of the name of such person from the register. Refusal of registration and removal and re-entry of names.

(2) The order passed under sub-section (1) shall be in writing, and shall be served on the person concerned in the prescribed manner.

(3) The Council may direct that the name of any person against whom an order under sub-section (1) has been passed shall be entered or re-entered in the register, as the case may be.

(4) For the purpose of an enquiry under sub-section (1) the Council shall be deemed to be a court within the meaning of the ^{I of 1872.} Evidence Act, 1872, and shall exercise all the powers of a Commissioner under the Public Servants (Inquiries) Act, 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 Servants (Inquiries) Act, 1850: provided that nothing contained in any Act shall prevent the Council from holding an enquiry or hearing any appeal in camera : XXXVII of 1850.

Provided further that the Council may direct that any such enquiry shall be heard by a committee of the Council composed of such members of the Council as the Council may direct.

16. (1) Any person, aggrieved by any order of the Council under section 15, may, within three months from the date on which such order is served, appeal against such order to the Provincial Government. Appeal from order under section 15.

(2) The order of the Provincial Government on any such appeal shall be final.

¹ The word "Indian" omitted by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w. e. f. 30th May 1955).

Institutions for training nurses, midwives or health visitors or assistant midwives to be recognised by Council.

17. (1) The institutions which are approved and recognised by the Council after inspection by its representative shall be competent to train nurses, midwives, health visitors, ¹* * * or ²[assistant midwives] and to send them for examination for the qualifying certificates of the Council.

(2) The Council may after giving an opportunity to the institution concerned to be heard in its defence, withdraw recognition from any such institution after its inspection by a representative of the Council. The order of such withdrawal shall be in writing and shall be served in the prescribed manner.

Appeal against refusal to recognise institutions or withdrawals under section 17.

18. Any person aggrieved by the refusal of the Council to approve and recognise any institution as competent to train nurses, midwives, health visitors, ¹* * * or ²[assistant midwives], or by an order under sub-section (2) of section 17 withdrawing recognition, may appeal, within three months from the date of such refusal or withdrawal to the Provincial Government against such order of refusal or withdrawal. The decision of the Provincial Government on any such appeal shall be final.

Removal of names from register on notice of death.

19. Every Registrar of Births and Deaths, who receives notice of the death of any person, whose name he knows to be or has reason to believe is entered in any register, shall forthwith transmit by post to the Council a certificate of registration of such death signed by him and stating the time and place of death; and thereupon the name of such person shall be removed from the register.

Admission to register of persons trained in other parts of the Commonwealth.

20. On making an application in the prescribed form and on paying such fee, not being greater than the fee payable on ordinary applications for registration under this Act, as the Council may demand, any person shall be entitled to be registered under this Act who proves to the satisfaction of the Council that he has been registered either as a nurse, a midwife or a health visitor in any part of ³[the Commonwealth], in respect of which the Council is satisfied—

(a) that there is in force therein an enactment, or a provision of any kind having the force of law, providing for the registration of nurses, midwives and health visitors under some public authority;

¹ The words "nurse-dais" omitted by Sind 15 of 1943, s. 2(b).

² Subs. *ibid.*, s. 2(a), for "trained dais".

³ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "His Majesty's dominions outside Sind".

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(b) that persons registered under this Act are admitted to the register established under the said enactment or provision on terms not less favourable than those contained in this section;

(c) that the standard of training and examination required for admission to the register of nurses, midwives or health visitors established under the said enactment or provision is not lower than the standard of training and examination required under this Act.

21. 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 ;

Penalty for dishonest use of certificates.

(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 false representation in any matter relating to the register or certificates issued under the provisions of this Act,

shall be punishable with fine not exceeding Rs. 250.

22. The certificate of registration granted under this Act shall not confer upon any person any right or title to be registered under ¹[the Sind Medical Council Act, 1944], or to assume any title, name or designation implying that he is by law recognized as a medical practitioner, or that he is authorized to grant any medical certificate, or any certificate of death or still-birth, or to undertake the charge of cases of abnormality or disease in connection with parturition.

Sind
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1944

Registration not to qualify for registration under Sind Act, XIX of 1944.

23. Any person who, not being a registered nurse, midwife or health visitor ²* * * * or ³[assistant midwife], takes or uses the name or title of registered nurse, midwife, health visitor, ²* * * or ³[assistant midwife] or uses any name, title, description prescribed uniform, object or sign-board, with the intention that it may be believed, or with the knowledge that it is likely to be believed that such person is a registered nurse, midwife, health visitor, ⁴* * * or ³[assistant midwife], shall be punishable with fine not exceeding Rs. 100.

Penalty for unlawful assumption of title of registered nurse, midwife, health visitor or assistant midwife.

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "the Bombay Medical Practitioners Act, 1912".

² The words "or nurse-dai" omitted by Sind 15 of 1943, s. 9.

³ Subs. *ibid*, s. 2(a), for "trained dai".

⁴ The words "nurse-dai" omitted *ibid*, s. 2 (b).

Disabilities
of unregis-
tered
persons.

24. After the expiration of three years from the commencement of this Act no dispensary, hospital, infirmary or lying-in hospital which is supported partially or entirely by public funds or local funds shall employ any person as a nurse, midwife, health visitor, * * * or ²[assistant midwife] unless ³[he] is registered under this Act or is under training in an institution recognised by the Council :

Provided that the Provincial Government may exempt for such period and on such terms as it may fix any such dispensary, hospital, infirmary or lying-in hospital from the operation of this section.

Prohibition
of unregis-
tered persons
from
practising.

25. (1) Any local authority may, after previous publication, make bye-laws prohibiting unregistered persons from practising as nurses, midwives, health visitors, * * * ⁵[assistant midwives] or *dais* 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 any person abetting such practice shall be liable to a fine which may extend to fifty rupees for a first offence, or to a fine which may extend to two hundred and fifty rupees for a second or subsequent offence.

(2) If any local authority, on being so required and within the time fixed by the Provincial Government, fails to make bye-laws under sub-section (1), the Provincial Government may, by notification, prohibit unregistered persons from practising as nurses, midwives, health visitors, * * * ⁵[assistant midwives] or *dais* within the area subject to such local authority ; and any unregistered person practising in contravention of such notification or any person abetting such practice shall be liable to a fine which may extend to fifty rupees for a first offence, or to a fine which may extend to two hundred and fifty rupees for a second or subsequent offence.

(3) Bye-laws made under sub-section (1) shall be subject to confirmation by the Provincial Government and shall be published in the ⁶[Official Gazette].

1 The words "nurse-dai" omitted by Sind 15 of 1943, s. 2(b).

2 Subs. *ibid*, s. 2 (a), for "trained *dais*".

3 Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "she".

4 The words "nurse-dais" omitted by Sind 15 of 1943, s. 2(b).

5 Subs. *ibid*, s. 2(a), for 4 "trained *dais*".

6 Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance 1955 (Sind 5 of 1955), s. 7, Sch. III, for "S.G.G.".

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(4) From the date on which bye-laws made under sub-section (1) or a notification issued under sub-section (2) come into operation in any area, any bye-laws made by the local authority of such area, under any other enactment providing for the registration of nurses, midwives, health visitors, ^{1***} ²[assistant midwives] or *dais*, and prohibiting persons from practising as such unless so registered shall cease to be operative.

26. All fees and other moneys received by the Council under this Act shall be applied for the purposes of this Act in such manner as may be prescribed. Disposal of fees.

27. No Court other than a District or an Additional District Magistrate or a Magistrate of the First Class shall take cognizance of or try any offence under this Act. Court competent to try offences under the Act.

28. No Magistrate shall take cognizance of any offence punishable under this Act except upon complaint made by order of the Provincial Government, or upon complaint made, with the previous sanction of the Provincial Government by the Council. Cognizance of offences.

29. (1) The Provincial Government may, after previous publication, make rules³ to carry out all or any of the purposes of this Act. Power of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules—

(a) prescribing the qualifications of candidates for employment as Registrar;

(b) prescribing the manner in which appointments, and elections of members of the Council and the election of the President and the Vice-President shall be made and casual vacancies shall be filled under section 6 ;

(c) prescribing 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) prescribing the courses of training and examinations entitling a person to registration establishing a Board for conducting such examinations and prescribing the fee payable on application for registration, the form in which such applications shall be made, and the conditions subject to which names shall be entered in the register under sub-section (1) of section 14 ;

¹ The words "nurse-dais" omitted by Sind 15 of 1943, s. 2(b).

² Suba. *ibid*, s. 2 (a), for "trained dais".

³ For Rules, see S. L. R. and O.

(e) prescribing the causes for which, the conditions under which and the manner in which the names of nurses, midwives, health visitors, ¹ * * * or ² [assistant midwives], may be removed or re-entered in the register under section 15, and the manner in which the order of removal or refusal shall be served on such persons ;

(f) regulating and restricting within due limits the practice of registered nurses, registered midwives, registered health visitors, ³ [and registered] ² [assistant midwives];

(g) the manner in which an order of withdrawal of recognition of an institution shall be served under section 17 ;

(h) prescribing the fees payable in respect of an appeal under section 16 or 18 ;

(i) regulating the expenditure of the Council and providing for the audit of its accounts ; and

(j) any matter which is to be or may be prescribed.

(3) All rules made by the Provincial Government under this section shall be laid on the table of the Sind Legislative Assembly for one month previous to the session thereof, and shall be liable to be rescinded, modified or added to by a resolution of the said Assembly at any session thereafter ; such rule shall, after notification in the ⁴ [Official Gazette] be deemed to have been modified or rescinded accordingly.

Power of the Council to make bye-laws.

30. (1) The Council may make bye-laws⁵, not inconsistent with this Act or the rules,—

(a) for regulating the compilation, maintenance and publication of the register and the conditions of admission to the register ;

(b) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register and any matters ancillary to or connected with such examinations, including the courses of training which the candidates appearing for the examinations¹ shall undergo ;

(c) for the approval of any institution for the purpose of such training and the granting of diplomas to candidates passing the examinations ;

(d) for regulating the issue of certificates ;

¹ The words "nurse-dais" omitted by Sind 15 of 1943, s. 2(b).

² Subs. *ibid*, s. 2(a), for "trained dais".

³ Subs. *ibid*, s. 10, for "registered nurse-dais and".

⁴ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "S. G. G."

⁵ For bye-laws, see G.N., G.D., No. 1958-G. C /42-III (b), dt. 10th August 1945.

(e) for prescribing the uniform or badge to be worn by registered nurses, registered midwives, registered health visitors¹ * * *, and registered² [assistant midwives], while on duty ;

(f) for regulating the conditions under which institutions for nursing the sick, maternity or child welfare may be affiliated to the Council ;

(g) for regulating the duties, pay, pension, conduct and other conditions of service of the Registrar and persons appointed under section 12 ;

(h) for establishing a provident fund for the benefit of the employees of the Council and of affiliated institutions and regulating its administration ;

(i) for regulating and supervising the practice of their profession by registered nurses, midwives, health visitors,³ * * * and² [assistant midwives] ;

(j) for regulating the publication of the names of registered nurses, midwives, health visitors,³ * * * and² [assistant midwives] and their residences ;

(k) for regulating the conditions under which such nurses, midwives, health visitors,³ * * * and² [assistant midwives], registered in other provinces or other countries may be admitted to the register, on such other provinces and countries granting reciprocal registration to persons registered on the register of the Council ;

(l) for regulating the summoning of meetings of the Council and its proceedings ;

(m) for the custody of the common seal and the purposes for which it shall be used ;

(n) declaring the persons by whom receipts shall be granted on behalf of the Council for the money received under this Act ;

(o) for determining the manner in which all fees levied under this Act and all 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 ;

(p) for prescribing the travelling and other expenses payable to the members of the Council or of committees ;

¹ The words "registered nurse-dais" omitted by Sind 15 of 1943, s. 2(b).

² Subs. *ibid*, s. 2(a), for "trained dais".

³ The words "nurse-dais" omitted *ibid*, s. 2 (b).

(g) for regulating the appointment and constitution of committees for any purpose relating to any matter with which the Council is empowered to deal, the delegation to such committees of any powers or duties of the Council, the co-option of persons specially qualified to advise on any particular matter, and the quorum and procedure of such committees; and

(r) generally for the provision of any matters in respect of which the Council considers provision should be made for the purposes of this Act.

(2) No bye-law made by the Council shall come into force until it has been confirmed by the Provincial Government, with or without modification or amendment.

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

(4) All bye-laws made under this section shall be published in the *[Official Gazette]*.

(5) Until such time as the bye-laws referred to in sub-section (r) 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 seems expedient, by letter addressed to each member.

Bar to suits
in respect of
acts done
under this
Act.

31. No act done in the exercise of any power conferred by this Act on the Provincial Government or the Council or the Registrar, shall be questioned in any civil court.

Protection
of persons
acting in
good faith
under the
Act, rules
or bye-laws.

32. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or bye-laws.

Control.

33. (r) If at any time it shall appear to the Provincial Government that the Council has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the Provincial Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the Provincial Government may fix in this behalf, the Provincial Government may dissolve the Council and cause all or any of the powers and duties

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "S. G. G."

of the Council to be exercised and performed by such person and for such period as it may think fit and thereupon the funds and property of the Council shall vest in the Provincial Government for the purposes of this Act until a new Council shall have been constituted under section 3.

(2) When the Provincial Government has dissolved the Council under sub-section (1), it shall take steps as soon as may be convenient to constitute a new Council under section 3 and thereupon the property and funds referred to in sub-section (1) shall revert in the Council so constituted.

34. Nothing in this Act shall apply to medical practitioners possessing qualifications entitling them to registration under ¹[the Sind Medical Council Act, 1944].

Sind XIX
of 1944

Act not to
apply to
medical
practitioners.

²SCHEDULE

- (1) The Civil Surgeon, Civil Hospital, Sukkur.
- (2) The Civil Surgeon, Civil Hospital, Hyderabad, Sind.
- (3) The Civil Surgeon, Civil Hospital, Larkana.
- (4) The Women Assistant Surgeon in the employment of Provincial Government.
- (5) The Lady Medical Assistant.
- (6) The Medical Superintendent, Women's Hospital, Hyderabad, Sind.
- (7) The Superintendent, Lady Graham School (for Dais) Sukkur, Sind.
- (8) The Honorary Secretary, Lady Graham Dais Improvement and Village Uplift, Scheme, Hyderabad, Sind.
- (9) The Honorary Secretary, Sind Provincial Branch of the Pakistan Red Cross Society."

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 7, Sch. III, for "the Bombay Medical Act, 1912".

² Subs. by Sind 24 of 1952, s. 6, for the original Sch.

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