

**Bombay Nursing Homes Registration(Amendment) Act,
2005**

2 of 2006

[09 January 2006]

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PREAMBLE

An Act further to amend the Bombay Nursing Homes Registration Act, 1949.

WHEREAS it is expedient further to amend the Bombay Nursing Homes Registration Act, 1949, for the purposes hereinafter appearing; it is hereby enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. Short Title And Commencement :-

(1) This Act may be called the Bombay Nursing Homes Registration (Amendment) Act, 2005.

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

2. Amendment Of Section 2 Of Bom. Xv Of 1949 :-

In section 2 of the Bombay Nursing Homes Registration Act, 1949 (hereinafter referred to as "the principal Act"), for clause (2), the following clause shall be substituted, namely-

"(2) "local supervising authority" means,

- (i) in the areas falling within the jurisdiction of the Municipal Corporation-the Health Officer of the concerned Municipal Corporation;
- (ii) in the areas falling within the jurisdiction of the Municipal Council-the Civil Surgeon of the District in which such Council is situated;
- (iii) in the areas falling within the jurisdiction of a Cantonment-the Health Officer of the concerned Cantonment;
- (iv) in the areas not falling in sub-clauses (i), (ii) and (iii) above-the District Health Officer of the concerned Zilla Parishad;".

3. Amendment Of Section 5 Of Bom. Xv Of 1949 :-

In section 5 of the principal Act,-

(a) in sub-section

(1), in the proviso,-

(i) for clause (b), the following clause shall be substituted, namely :-

"(b) that the nursing home is not under the management of a person who is holding a degree in medical sciences and who is resident in the home, or that there is not a prescribed proportion of qualified nurses employed in the nursing home to the number of patients in it; or";

(ii) after clause (c), the following clauses shall be inserted, namely :-

"(c-1) that the area of the premises of the nursing home is less than the prescribed area;

(c-2) that the number of beds available in the nursing home exceeds than those prescribed;

(c-3) that the nursing home is owned or is under the management of a Government Medical Officer;

(b) for sub-section (2), the following sub-section shall be substituted, namely :-

"(2) A certificate of registration issued under this section shall, subject to the provisions of section 7, be in force and shall be valid until the 31st day of March of the third year next following the date on which such certificate is issued or renewed, as the case may be.

4. Substitution Of Section 6 Of Bom. Xv Of 1949 :-

For section 6 of the principal Act, the following section shall be substituted, namely :-

"6. Penalty for non-registration :-

Whoever contravenes the provisions of section 3, shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both." 5. Amendment of section 12 of Bom. XV of 1949 :- In section 12 of the principal Act,-

(a) for the words "fifty rupees" the words "five thousand rupees" shall be substituted;

(b) for the words "fifteen rupees" the words "fifty rupees" shall be substituted. 6. Amendment of section 16 of Bom. XV of 1949 :- In section 16 of the principal Act, in sub-section (2), to clause (b), the following proviso shall be added, namely :-

"Provided that, the State Government may prescribe different rates of fees for registration of nursing homes, having regard to the area in which such nursing home is situated, the number of beds therein, the number of specialisations offered in such nursing home;"