

Haryana Health Care Workers Act, 2005

13 of 2005

[29 August 2005]

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Establishment And Constitution Of Board
4. Vacancies
5. Resignation
6. Disqualifications
7. Vacancies Etc. Not To Invalidate Proceedings Of Board
8. Time And Place Of Meeting Of Board
9. Procedure Of Meetings Of Board
10. Registrar And Other Staff
11. Duties Of Registrar
12. Enrolment
13. Renewal Of Enrolment
14. Powers Of Board To Prohibit Entry In Or To Direct Removal From Register Etc.
15. Procedure In Inquiries
16. Appeal In Board From Decision Of Registrar And Other Powers Of Board
17. Allowances Payable To Members
18. Publication Of List Of Health Care Worker
19. Cancellation Of Enrolment
20. Bar To Sell Medicines
21. Control Of Government
22. Protection Of Action Taken In Good Faith
23. Power To Make Rules
24. Power To Remove Difficulties

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AN ACT to regulate the enrolment of HealthCare Workers who provide their services to old, infirm, disabled, incapacitated and needy persons etc. Be it enacted by the Legislature of the State of Haryana in the Fifty-fifth Year of the Republic of India as follows: -

1 For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 2005, dated 29.11.2004, page-3435.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Haryana Health Care Workers Act, 2004.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires, -

(a) "Board" means the Board established and constituted under section 3 of this Act;

(b) "Director" includes the Director of Ayurveda, Haryana and includes the Deputy Director of Ayurveda, Haryana, the Assistant Director of Ayurveda, Haryana and such other officer as the Government may appoint for exercising all or any of the functions of the Director under this Act;

(c) "Government" means the Government of the State of Haryana;

(d) "Health Care Works" means a person who provides his services to old, infirm, disables, incapacitated and needy persons etc.;

(e) "member" means a member of the Board and includes the Chairman;

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

(g) "Register" means the Register of Health Care Workers whose names are entered in the Register;

(h) "Registrar" means the Registrar appointed under section 10 of this Act.

3. Establishment And Constitution Of Board :-

(1) There shall be established and constituted for the purpose of carrying out the provisions of this Act a Board to be known as the Board of Haryana Health Care Workers consisting of a Chairman and seven other members residing in the State of Haryana. All the members of the Board including the Director shall be appointed by the Government on such terms and conditions as it may deem fit.

(2) The Chairman and the members of the Board shall hold office during the pleasure of the Government.

(3) The Board shall be a body corporate with the name aforesaid,

having perpetual succession and a common seal with power, subject to the provisions of this Act, to hold and dispose of property, and to contract, and may by the said name sue be sued.

4. Vacancies :-

If a vacancy occurs in the office of a member of the Board through, death, resignation, removal or disability of such member or otherwise, the vacancy shall be filled in the manner as may be prescribed.

5. Resignation :-

Any member of the Board may at any time resign his office by letter addressed to the Government and the resignation shall take effect from the date on which it is accepted by it.

6. Disqualifications :-

No person shall be eligible of appointment as a member of the Board-

- (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 such offence involving moral turpitude as may be declared by the Government.

7. Vacancies Etc. Not To Invalidate Proceedings Of Board :-

No act done, or proceeding taken under this Act by the Board shall be invalid merely on the ground-

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

8. Time And Place Of Meeting Of Board :-

The Board shall meet at such time and place and every meeting of the Board shall be summoned in such manner, as may be provided in the rules made under this Act:

Provided that until such rules are made, it shall be lawful for the

Chairman to summon a meeting of the Board at such time and place as he may deem expedient by letter addressed to each member.

9. Procedure Of Meetings Of Board :-

(1) The Chairman and in his absence a person elected by the members of the Board from amongst themselves, shall preside at every meeting of the Board.

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

Provided that in case of equality of votes, the Chairman or the person presiding, as the case may be shall, in addition to his vote as a member of the Board, have a second or casting vote.

(3) Four members shall form a quorum at a meeting of the Board. Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business.

10. Registrar And Other Staff :-

(1) Subject to such rules as the Government may make in this behalf, the Board shall appoint a Registrar who 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, appointment made by the Government as Registrar shall 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 Government.

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

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

11. Duties Of Registrar :-

(1) Subject to the provisions of this Act and the rules made thereunder and subject to any general or special order of the Board, it shall be the duty of the Registrar to maintain the Register

and to act as the Secretary to the Board.

(2) The Register shall be in such form as may be prescribed and shall contain the names, addresses and qualifications of every Health Care Worker together with the dates on which qualifications were acquired.

(3) The Registrar shall keep the Register correct as far as possible, and may from time to time enter therein any material alteration in the address or qualifications of the Health Care Worker. The names of the enrolled Health Care Workers who die or whose names are directed to be removed from the Register under this Act shall be removed from the Register.

(4) A Health Care Worker shall, on payment of such fees as may be prescribed, be entitled to have entered in the Register any further degrees, diplomas or certificates or other qualifications in Ayurvedic and Unani Systems or other recognized medical degrees, diplomas or certificates which he may obtain.

(5) For the purposes of this section, the Registrar may write by registered post to any enrolled Health Care Worker at the address which is entered in the Register enquiring whether he has ceased to provide service or has changed his residence and if no answer is received to the said letter within three months the Registrar may remove the name of the said Health Care Worker from the Register.

12. Enrolment :-

(1) Every person possessing bonafide degree, diploma or certificate from any University, Board or Institution established by law in pharmacy or in health sciences such as physiotherapy, nursing, laboratory technician, vaidya, up-vaidya etc. and providing their services to old, infirm, disabled, incapacitated and needy persons etc. in the State of Haryana shall, subject to the provisions of this Act and on payment of such fees as may be prescribed in this behalf, be enrolled in the Register subject to such conditions as may be prescribed.

(2) No person shall be enrolled under this section to have his name enrolled in the Register if he is a minor.

13. Renewal Of Enrolment :-

(1) Every Health Care Worker shall get his enrolment renewed after every five years within one month of the expiry of the period of enrolment on payment of such fees as may be prescribed.

(2) If the Health Care Worker fails to get his enrolment renewed

within the period provided in sub-section (1), his name shall thereafter stand removed from the Register:

Provided that his name may be re-entered in the Register by the Registrar on payment of such additional fee as may be prescribed within two months after the expiry of the period provided for renewal.

14. Powers Of Board To Prohibit Entry In Or To Direct Removal From Register Etc. :-

The Board may prohibit the entry in, order the removal from, the Register of the name of any Health Care Worker-

(a) who has been sentenced by a Criminal Court to imprisonment for such offence involving moral turpitude as may be declared by the Government; or

(b) whom the Board after proper enquiry either made by itself or by a Committee appointed for the purpose by the Board from out of its members, has found guilty of misconduct or violating any of the provisions of this Act.

15. Procedure In Inquiries :-

For the purposes of any inquiry held under clause(b) of sub-section (1) of section 14, the Board or a Committee appointed by the Board shall be deemed to be a Court within the meaning of the Indian Evidence Act, 1972 (Act 1 of 1872), and shall, so far as may be, follow the procedure laid down in the Code of Civil Procedure, 1908 (Act V of 1908).

16. Appeal In Board From Decision Of Registrar And Other Powers Of Board :-

(1) Any person aggrieved by the decision of the Registrar regarding the enrolment of any person or any entry in the Register may, on payment of such fee as may be prescribed, appeal to the Board.

(2) An appeal under sub-section (1) shall be filed within sixty days, of the passing of the order appealed against after excluding the time spent in obtaining a copy thereof and shall be heard and decided by the Board in the manner prescribed.

(3) The Board may, in its own motion or on the application of any person, after due and proper enquiry and after affording the person concerned an opportunity of being heard, cancel or alter any entry in the Register, if, in the opinion of the Board, such entry was

made fraudulently or wrongly.

17. Allowances Payable To Members :-

There shall be paid to the members for attending meetings of the Board such traveling and other allowances as may be prescribed.

18. Publication Of List Of Health Care Worker :-

The Registrar shall, at least once in every five years on or before a date to be fixed by the Board, cause to be printed and published a correct list of the names and qualifications of all Health Care Workers for the time being entered in the Register.

19. Cancellation Of Enrolment :-

Whoever willfully and falsely and by deceitful means secures his enrolment as Health Care Worker, his enrolment shall be cancelled by the Board by passing a speaking order.

20. Bar To Sell Medicines :-

No Health Care Worker shall sell any medicine of the Ayurvedic System or Unani System in public and any violation in this regard would amount to cancellation of enrolment.

21. Control Of Government :-

If at any time it appears to the Government that the Board has neglected to exercise, or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the Government may communicate the particulars of such neglect, excess or abuse to the Board; and if the Board fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Board to be exercised and performed by such agency and for such period as the Government may think fit.

22. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or under any rules or regulations made

thereunder.

23. Power To Make Rules :-

(1) The Government may, by notification in the Official Gazette and after previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

(a) the salary, allowances and other conditions of service of the Registrar and other employees of the Board appointed under section 10;

(b) the form of Register required to be maintained under section 11;

(c) the amount of fees payable under sub-section (4) of section 11;

(d) the manner in which appeals against the decision of the Registrar shall be heard and decided by the Board under section 16 and the fees chargeable for such appeals;

(e) the allowances payable to members under section 17;

(f) the time and place at which the Board shall hold its meeting and the manner in which such meeting shall be summoned under section 8;

(g) any other matter which may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the house of the State Legislature while it is in session for a total period of ten 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 House agrees in making modification in the rule or the House agrees that the rule should not be made, the rules 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 this rule.

24. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification, make such provisions, or give such directions, not being inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty.

