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Madras Nurses And Midwives Act, 1926**03 of 1926****[29 June 1926]****PREAMBLE**

An Act for the registration of nurses and midwives in the Presidency of Madras.

Whereas it is expedient to provide for the registration of nurses and midwives in the Presidency of Madras, and whereas the previous sanction of the Governor-General has been obtained to the passing of this Act; It is hereby enacted as follows:-

1. For Statement of Objects and Reasons, see Part IV of the Fort St. George Gazette, dated 15th July 1924, pages 123-124; for Report of the Select Committee, see Proceedings of the Madras Legislative Council, Volume XXIX, pages 920-932; for Proceedings

in Council, see *ibid*, Volume XIX, pages 494-497, Volume XXII, page 257, Volume XXVII, pages 512-528, and Volume XXIX, pages 890-902.

The Act came into force on the 14th February 1928.

The Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

1. Short title :-

(1) This Act may be called the Madras Nurses and Midwives Act, 1926.

Extent.

(2) It shall extend to the whole of the Presidency of Madras.

Commencement.

(3) It shall come into force on such date as the ¹[State Government] may, by notification, appoint.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context-

(a) Council means the Madras Nurses and Mid-wives Council established under this Act.

(b) Dhai means an untrained woman practising the profession of midwifery.

(c) Nurse includes a male nurse.

(d) Prescribed means prescribed by rules or by-laws made under this Act.

(e) Register means a register maintained under section 5 or section 6 and registered means registered in accordance with the provisions of either of those sections.

3. Definitions :-

3 Constitution of the Council and the term of office of members

(1) A Council, called the 'Madras Nurses and Midwives Council,' shall be constituted for the Presidency of Madras, consisting of-

(a) the Surgeon-General with the Government of Madras;

¹[(b) an officer of the Public Health Department of Government nominated by the ²(State Government)];

- ³[(bb)an officer of the Medical Department of Government, nominated by the ⁴[State] Government];
- ⁵[(c)] the Superintendent of the General Hospital, Madras;
- ⁵[(d)] the Superintendent of the Government Hospital for Women and Children, Madras;
- ⁵[(e)] one Registered Medical Practitioner nominated by the ²[State Government];
- ⁵[(f)] ⁶[one Registered Medical Practitioner], nominated by the Medical Council established under sub-section (1) of section 5 of the Madras Medical Registration Act, 1914(Madras Act IV of 1914);
- ⁷[(g) the Matron Superintendent of the General Hospital, Madras, and the Matron Superintendent of the Government Hospital for Women and Children, Madras];
- ⁵[(h)] ⁸[two registered nurses] elected by the registered nurses and one registered midwife elected by the registered midwives in the manner prescribed; ⁹[. . .]
- ¹⁰[(i) one member, being a person registered under this Act, elected in the manner prescribed by such of the members of the Trained Nurses' Association of India as are so registered;
- ¹¹[(j)] one member, being a person registered under this Act, elected in the manner prescribed by such of the members of the Nurses' Auxiliary of the Christian Medical Association of India (South India Branch) as are so registered; and]
- ¹¹[(k)] two non-officials, not of the classes referred to above, one of whom shall be a woman, nominated by the ²[State Government].

The Surgeon-General shall be the President of the Council.

¹²[]

(2) The members of the Council other than members ex-officio shall hold office for a term of three years ¹³[].

(3) If the place of a member of the Council becomes vacant by the expiration of his term of office or by death, or by resignation or otherwise, the vacancy shall be filled in the manner provided for the filling of the vacancy by subsection (1).

(4) An outgoing member of the Council shall be eligible for re-election or re-nomination.

(5) The powers of the Council may be exercised notwithstanding any vacancy in the Council.

1. This clause was inserted by section (2)(i)(a) of the Madras Nurses and Midwives (Amendment) Act, 1934(Madras Act VII of

1934).

2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

3. This clause was inserted after clause (b) of sub-section (1) of section 3 by section 2 of the Madras Nurses and Midwives (Amendment) Act, 1942 (Madras Act XXIII of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

4. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

5. Original clauses (b), (c), (d), (e), (f), (g) and (h) were re-lettered (c), (d), (e), (f), (g), (h) and (i) respectively by section 2(i)(a) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934).

6. These words were substituted for the words "two Registered Medical Practitioners one of whom shall be a woman" by section 2(i) (b) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934).

7. This clause was substituted for the original clause by section 2(i) of the Madras Nurses and Midwives (Amendment) Act, 1941 (Madras Act XVI of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

8. These words were substituted for the words "one registered nurse" by section 2(ii), *ibid*.

9. The word "and" was omitted by section 2(i)(c), of Madras Act VII of 1934, *ibid*.

10. Clauses (i), (j) and (k) were inserted by section 2(i)(d), *ibid*.

11. Original clause (j) was omitted and clauses (k) and (l) were re-lettered as clauses (j) and (k) by section 2(iii) of the Madras Nurses and Midwives (Amendment) Act, 1941 (Madras Act XVI of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

12. The following proviso to section 3 (I) was omitted by section 2(i) (e) of the Madras Nurses and Midwives (Amendment) Act, 1934 (Madras Act VII of 1934):-

"Provided that for a period of one year from the commencement of

this Act, the two matrons referred to in clause (f) shall be nominated by the Surgeon-General, and the nurse and the midwife referred to in clause (g) shall be nominated by the Local Government".

13. The following words and figure were omitted by section 2(ii),
ibid:-

"except members nominated under the proviso to sub-section (I) who shall hold office till the expiry of one year from the commencement of this Act."

4. Effect of failure to attend meetings of the Council :-

A member who fails to attend three consecutive meetings of the Council shall cease to be a member unless restored by the Council at its next meeting.

5. Registration of nurses and midwives :-

The Council shall maintain a register of nurses and a register of midwives and in each such register shall be entered in two separate parts-

(1) the names of all nurses and midwives who have undergone the course of training and passed the examinations and fulfil the conditions prescribed,

(2) the names of all nurses and midwives practising in the Presidency of Madras at the commencement of this Act and not qualified to be registered under clause (1) who may be admitted to registration under such conditions and restrictions as may be prescribed:

Provided that no nurse or midwife may be registered under clause (2) after the expiration of three years from the commencement of this Act.

6. Registration of dhais :-

The Council shall maintain a register of dhais, admission to which shall be regulated by such conditions and restrictions as may be prescribed.

7. Removal and restoration of names :-

Subject to such conditions and in such manner as may be prescribed, the Council may refuse to enter the name of any nurse, midwife or dhai in the register or remove the name of any nurse,

midwife or dhai from the register or restore thereto the name of any nurse, midwife or dhai so removed.

8. Appeal from Council to Tribunal :-

(1) Any nurse, midwife or dhai aggrieved by an order of the Council under section 7 may, within three months from the date on which notice of such order is given, appeal against the order of the Council.

(2) Such appeal shall be heard by a Tribunal of three persons selected in rotation-

(a) One from a panel of not less than six persons of not less than twelve years experience as a Magistrate or Civil Judge nominated by the ¹[State Government];

(b) One from a panel of not less than six registered medical practitioners selected in the prescribed manner by the Medical Council established under sub-section (1) of section 5 of the Madras Medical Registration Act, 1914(Madras Act IV of 1914); and

(c) One from a panel of not less than six registered nurses holding both general and maternity certificates and selected in the prescribed manner by the registered nurses and midwives.

(3) The order of the Tribunal shall be final.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

9. Appeal to the State Government against refusal by the Council to approve training institution or person :-

Any person aggrieved by the refusal of the Council to approve any institution or person under any rules relating to training made under this Act, may appeal against the refusal to the ¹[State Government] and the ¹[State Government] may give such directions as they think proper and the Council shall comply with the directions so given.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

10. Disabilities of unregistered persons :-

(1) Except with the special sanction of the ¹[State Government], no person shall, after the expiry of three years from the commencement of this Act, be competent to hold any appointment as nurse or midwife in any hospital, dispensary, or infirmary not supported entirely by voluntary contributions unless such person is registered as nurse or midwife under this Act.

(2) After the expiry of one year from the commencement of this Act, no subsidy shall be paid by the ¹[State Government] or by a local authority to any medical practitioner who employs a dhai other than a registered dhai.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

11. Rules by the State Government :-

(1) The ¹[State Government] may, after previous publication, make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

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

(a) regulating the conduct of the elections of members of the Council;

(b) regulating the conditions of admissions to the register;

(c) 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;

(d) prescribing the causes for which, the conditions under which and the manner in which, the nurses, midwives and dhais may be removed from the register and the procedure for restoration to the register of nurses, midwives and dhais who have been removed there from;

(e) regulating the selection of the panels and the constitution of the Tribunal specified in sub-section (2) of section 8 and the procedure to be followed by the Tribunal;

(f) prescribing the fees to be paid in respect of an appeal under this Act;

(g) determining the manner in which all fees levied under this Act and all moneys received by the Council shall be applied for the

purposes of this Act.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

12. By-laws by the Council :-

(1) The Council may make by-laws not inconsistent with this Act or any other law-

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

(b) for regulating and supervising the practice of their profession by registered nurses, midwives and dhais;

(c) for regulating the publication of the names of registered nurses, midwives and dhais and their residences;

(d) for prescribing the rates of fees to be charged for examinations prescribed for admission to the register and for registration;

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

(f) for regulating the expenditure of the Council and providing for the audit thereof.

(2) No by-law made by the Council shall come into force until it has been confirmed by the ¹[State Government] with or without modification or amendment.

(3) Every such by-law shall, when so confirmed, be published.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

13. Penalty for dishonest use of certificate for procuring registration by false means and for falsification of register or certificate :-

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,

(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 the certificates issued under the provisions of this Act, shall be punishable with fine not exceeding two hundred and fifty rupees.

14. Penalty for posing as registered nurse, midwife or dhai by a person who is not such :-

(1) Any person, who, not being a registered nurse, takes or uses the name or title of registered nurse or uses any name, title, description, uniform, badge or signboard, 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, shall be punishable with fine not exceeding one hundred rupees.

(2) Any person, who, not being a registered midwife or dhai takes or uses the name or title of registered midwife or dhai or uses any name, title, description, uniform, badge or signboard, 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 midwife or dhai, shall be punishable with fine not exceeding fifty rupees.

15. Magistrates empowered to try offences under this Act :-

No magistrate other than a Presidency Magistrate or a magistrate of the first class shall take cognizance of or try any offence under this Act.