

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 22ND OCTOBER, 2014.**

NO.PAS/Legis-B-31/2014-The following Bill is hereby published for general information as required by Rule 98 of Rules of Procedure of the Provincial Assembly of Sindh.

THE SINDH NURSING COUNCIL BILL, 2014.

SINDH BILL NO. 31 OF 2014.

**A
BILL**

to provide and consolidate the laws relating to registration and training of nurses, midwives and health visitors;

WHEREAS it is expedient to provide and consolidate the laws relating to registration and training of nurses, midwives and health visitors and to provide for matters ancillary thereto;

Preamble.

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Nursing Council Act, 2014. **Short title, extent and commencement.**
- (2) It shall extend to the whole of the Province of Sindh.
- (3) It shall come into force at once.

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

- (a) "Council" means the Sindh Nursing Council established under section 3;
- (b) "Government" means the Government of Sindh;
- (c) "Member" means a member of the Council;
- (d) "prescribed" means prescribed by regulations made under section 25;
- (e) "President" means President of the Council;
- (f) "recognized higher qualifications" means a qualification granted by an institution established and maintained by Government which is declared to be a recognized higher qualification for the purposes of this Act, and includes a qualification which was, immediately before the commencement of this Act, recognized by higher qualification under the Pakistan Nursing Council Act, 1973 (XXVI of 1973);
- (g) "recognized qualification" means a qualification granted by the Council which is declared to be a recognized qualification for the purposes of this Act and includes -
- (i) a qualification specified in the Schedule; and
- (ii) a qualification which was immediately before the commencement of this Act, a recognized qualification under the Pakistan Nursing Council Act, 1973 (XXVI of 1973);

(h) "register" means the register of nurses, midwives, health visitors and nursing auxiliaries maintained under section 18, and

(i) "Schedule" means Schedule to this Act;

(1) Government shall, as soon as may be, establish a Council to be called the Sindh Nursing Council, which shall consist of the following members, namely:- **Establishment of the Council.**

Ex-Officio Members

- (i) Secretary Health, Government of Sindh
- (ii) Director General, Health Services, Sindh

Other Members

- (i) one general nurse to be nominated by the Council;
- (ii) one nurse-midwife to be nominated by the Council;
- (iii) one member elected by the Medical and Dental Council from amongst its members;
- (iv) one woman member of Provincial Assembly to be nominated by the Speaker, Provincial Assembly Sindh;
- (v) four women members from civil society having background of social welfare and educationist other than doctor or nurse;
- (vi) one health visitor to be nominated by the Council;
- (vii) one member from Government institutions registered with the Council.

(2) The Council established under sub-section (1) shall be a body corporate having perpetual succession and a common seal, with powers to acquire, hold and dispose of property and shall by its name sue and be sued.

4. (1) Subject to the provisions of this section, a nominated member shall hold office for a term of three years from the date of his nomination. **Term of office members.**

(2) The nominated member may at any time resign his office by writing under his hand addressed to the President of the Council and the seat of such member shall thereupon become vacant.

(3) The nominated member shall be deemed to have vacated his seat -

- (a) if he ceases to represent the particular interest which he was nominated to represent or to hold any other office or appointment by virtue of which he was qualified to be nominated; or

(b) if he is declared by the Council to have been absent without sufficient cause from three consecutive meetings of the Council.

(4) The nominated member shall be eligible for re-nomination but not for more than two consecutive terms.

8. A casual vacancy in the office of a member shall be filled for the same term of such member by election or nomination of another person in his place in the same manner in which such member was nominated. **Casual vacancies.**

9. No act or proceeding of the Council shall be invalid merely on the grounds of existence of any vacancy in, or any defect in the constitution of the Council. **Vacancy not to invalidate proceedings.**

(1) The Council shall, for the purpose of transacting its business, meet at least once in every six months at such times and places as the Council may deem fit or, the case may be, as the President of the Council may determine. **Meetings of the Council.**

(2) Special meetings may be held at such times and places as the Council may deem fit, or the case may be, as the President of the Council may determine.

(3) A written notice in respect of time, place and object of any special meeting shall be sent by post by the Secretary of the Council to all the members at least seven days before the date fixed for such meeting.

(4) Unless otherwise prescribed, six members shall form a quorum for the meeting of the Council and all decisions of the Council shall be made by a majority of the members present and voting.

10. (1) Unless prevented by circumstances beyond its control, the Council shall, at its first meeting to be presided over by a member elected for the purpose, elect from amongst its members a President and a Vice-President. **President and Vice-President.**

(2) The President or the Vice-President of the Council shall hold office as such, for the period of three years as he continues to be a member.

11. (1) The Council shall constitute an Executive Committee consisting of the President, the Vice-President and four other persons elected by it from amongst its members and may constitute such other committees for general or special purposes as the Council may deem necessary for carrying out the purposes of this Act. **Executive Committee.**

(2) The President and the Vice-President of the Council shall respectively be the President and the Vice-President of the Executive Committee.

(3) The Executive Committee shall exercise and perform such powers and functions as are, or may be, conferred or imposed upon it by or under this Act.

10. (1) The Council shall, with the approval of Government, appoint a Registrar, a Secretary, a Treasurer of the Council and such other officers and servants as it may deem necessary for carrying out the purposes of this Act; provided that the Council may, if it thinks fit, require the Registrar to perform the functions of Secretary and the Treasurer or any of them.

Secretary, Officers and servants of the Council.

(2) The Council shall with the previous sanction of Government, determine the terms and conditions of service and fix the pay and allowances of the officers and servants.

11. (1) The Council shall –

Powers and Functions of the Council.

(a) confer, grant or issue diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient, thereof has acquired a qualification in nursing, midwifery, health visiting, public health nursing or auxiliary nursing and desiring to obtain such qualifications;

(b) decide the cases of the nursing students.

12. (1) Any institution or authority which conducts any courses of study of training in nursing, midwifery, health visiting, public health nursing, auxiliary nursing or nursing aide (Naid) or any other course or diploma appeared in Schedule-I, may apply to the Council for recognition.

Recognition of institutions or authority conducting training.

(2) The Council may, if it is satisfied after such inquiry as it may think fit to approve the institution for training or award of degree recognize the institution under Schedule II.

(3) No college or nursing school shall be given registration until owning of a hospital having minimum hundred beds.

(4) Registration of nursing school and colleges shall be granted by Government on the recommendation of the Council after fulfilling the prescribed requirement of the registration.

13. (1) The Council may, for settling a scheme of reciprocity for recognition of qualifications, enter into negotiations with any authority or institution in the country or foreign country which, by the law of such country, is entrusted with the maintenance of, or is authorized to maintain, a register of nurses, midwives, or health visitors.

**Reciprocal
recognition of
qualification.**

(2) The Council may, in pursuance of any scheme of reciprocity settled under sub-section (1), by notification in the official Gazette, declare in respect of any qualification or higher qualification granted by any authority in the country or foreign country that such qualification or such higher qualification, only when granted after the date specified in the notification, shall be a recognized qualification or a recognized higher qualification for the purposes of this Act.

(3) Notwithstanding that a scheme of reciprocity has not been settled under sub-section (1), Government may, after consultation with the Council, by notification in the official Gazette, declare that a qualification or higher qualification granted by an institution or authority of a foreign country shall, for such period and subject to such conditions, if any, as may be specified in the notification, be a recognized qualification or a recognized higher qualification for the purposes of this Act.

Provided that all qualification registerable and recognized by Pakistan Nursing Council Act, 1973 (XXVI of 1973) shall stand recognized.

14. (1) Notwithstanding anything contained in any other law for the time being in force –

**Effect of
recognition.**

- (a) a person possessing a recognized qualification shall be entitled to be enrolled in the register;
- (b) a person possessing a recognized higher qualification shall be entitled to have such qualification entered as a supplementary qualification in the register; and
- (c) no person shall, after the commencement of this Act, be entitled -
 - (i) to be enrolled in the register as a nurse, midwife, health visitor, public health nurse or nursing auxiliary unless such person possesses a recognized qualification; or
 - (ii) to have any of his qualifications which is not a recognized higher qualification entered as supplementary qualification in the register.

15. Every institution or authority which conducts any course of study or training for the purpose of preparing candidates for any recognized qualification or recognized higher qualification, or applies for the recognition of any qualifications granted by it, shall furnish to the Council such information as it may, from time to time, require relating to –

Institutions to furnish information required by council.

- (a) the course of study and training;
- (b) examinations conducted during such courses of study and training;
- (c) the ages at which admissions are allowed to such courses of study and training; and
- (d) any other matter generally pertinent to the requirements for its recognition.

16. (1) The Executive Committee may nominate any person to inspect any Institution or authority which conducts course of study or training for the purpose of preparing candidates for a recognized qualification or a recognized higher qualification and to attend examinations held by such Institution or authority.

Inspection of institution.

(2) The persons nominated under sub-section (1) shall report to the Executive Committee on the suitability of the Institution or authority for the purposes of training and the adequacy of training imparted therein.

(3) The Executive Committee shall forward a copy of a report made under sub-section (2) to the Institution or authority concerned for making such observations thereon as it may think fit to make within the period specified by the Committee.

(4) Upon the expiry of the period specified under sub-section (3), the Executive Committee shall, together with the observations, if any, made by any Institution or authority, submit the report to the Council with such recommendations thereon as it may think fit to make.

17. (1) Where, after considering a report submitted under sub-section (4), the Council is of opinion –

Withdrawal of recognition.

- (a) that the courses of study or training required to be undergone for obtaining a recognized qualification or recognized higher qualification or conditions for admission to such courses of study or training or the standards of proficiency acquired by the candidates at the examinations held by the Council, are not in conformity with or fall short of the standards required by the regulations, or

(b) that an Institution or authority recognized by the Council for the training of nurses, midwives, health visitors or nursing auxiliaries does not satisfy the prescribed requirements as to courses of study and training for obtaining recognized qualifications or recognized higher qualifications the Council shall send a statement to that effect together with a copy of the report submitted by the Executive Committee to Government.

(2) Upon the receipt of a statement under sub-section (1), Government shall forward it with such remarks thereon as it may think fit to make to the Institution or authority concerned for the submission within a specified period of such explanation as the Institution or authority may like to offer.

(3) Upon the expiry of the period specified under sub-section (2), Government may, after considering the explanation, if any, offered by an Institution or authority, direct the Council to take such steps as may be necessary to ensure compliance by the Institution or authority with the requirements of this Act and regulations.

(4) Without prejudice to any steps that may be taken by it under sub-section (3) with respect to an Institution or authority, the Council may, by notification in the official Gazette, declare that any qualification granted by such Institution or authority which is a recognized qualification or a recognized higher qualification shall, if it is granted after a date specified in the notification, cease to be a recognized qualification or, as the case may be, a recognized higher qualification.

(5) The Council may, by notification in the official Gazette, declare that any qualification granted outside Sindh which is a recognized qualification or a recognized higher qualification shall, if it is granted after a date specified in the notification, cease to be a recognized qualification or, as the case may be, a recognized higher qualification.

18. (1) The Council shall, for the purpose of registration of nurses, midwives, health visitors and nursing auxiliaries possessing recognized qualifications or recognized higher qualifications, maintain a register in which shall be entered such particulars relating to the persons registered as may be prescribed in schedule-III.

Maintenance of the register.

(2) The Council may give temporary registration to foreign post graduate having post graduate qualification which is recognized in their relevant country to allow them for institutional practice.

19. (1) Any person possessing a recognized qualification or recognized higher qualification may make an application, accompanied by prescribed fee for registration of his name in the register.

Procedure for registration.

(2) The Council shall, if it is satisfied that the applicant possesses a recognized qualification or recognized higher qualification and is not disqualified for registration under section 21, register the name of the applicant in the register.

(3) No application under sub-section (1) shall be rejected except after giving the applicant an opportunity of being heard personally.

20. (1) The Council may, if it is satisfied that a person has, after his registration, become disqualified for such registration, remove the name of such person from the register and thereupon such person shall cease to be so registered; provided that no name shall be so removed except after giving the person affected an opportunity of being heard personally.

Removal of name from the register.

(2) The Council may, at any time for reasons to be recorded in writing, restore in the register the name of any person which has been removed therefrom under sub-section (1).

21. A person shall be disqualified for registration in the register if he –

Disqualification for registration.

- (a) has been convicted of any offence under this Act or any other offence which in the opinion of the Council implies a defect in character; or
- (b) has, in any inquiry held by the Council in which the person was given a reasonable opportunity of being heard, been found guilty of such conduct as is considered derogatory to his profession as per regulations made under section 25.

22. No hospital, asylum, infirmary, dispensary or lying in hospital maintained or aided by Government or a local authority shall employ therein any person as nurse, midwife, health visitor or nursing auxiliary unless such person –

Prohibition of employment of unregistered nurses, etc.

- (a) is registered in the register; or
- (b) is a trainee at an institution recognized for the purpose by the Council and is certified by the head of that Institution to have already received sufficient training to be able to perform his duties safely and satisfactorily.

23. A person shall be punishable with imprisonment of either description for a term which may extend to six months, or with a fine which may extend to rupees forty five thousand, or with both, if -

Penalty for certain offenses.

- (a) he procures or attempts to procure the registration of his name in the register, or abets the procurement of such registration of any name by making or causing to be made in a manner, whatsoever, false fraudulent statement, representation or declaration; or,
- (b) he, not being registered in the register, represents that he is so registered, or uses with his name any title or any word or letter representing or calculated to represent that he is so registered; or
- (c) he practices as a nurse, midwife, health visitor or nursing auxiliary in contravention of any regulations made under section 25.

24. (1) The Council shall submit to Government, as soon as possible after the end of every year, a report on the conduct of its affairs during that year.

Annual report.

(2) Government may at any time require the Council to furnish it with -

- (a) a report on any subject with which the Council is concerned;
- (b) any return, statement, statistics or other information regarding any matter under the control of the Council; or
- (c) a copy of any document in the charge of the Council and the Council shall comply with every such requisition.

25. (1) The Council may, with the previous sanction of Government, make Regulations for carrying out the purposes of this Act.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such Regulations may provide for -

- (a) the management of the property of the Council and the maintenance and audit of its accounts;
- (b) the manner in which the elections of the President, Vice-President and members shall be conducted;

- (c) the summoning and holding of the meetings of the Council, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (d) prescribing the functions of the Executive Committee, the summoning and holding of meetings thereof, the times and places at which such meetings shall be held, and the number of members necessary to constitute a quorum;
- (e) prescribing the powers and duties of the President and the Vice-President;
- (f) prescribing the terms and conditions of service and the powers and duties of the officers and servants of the Council;
- (g) prescribing the standard courses of training for nurses, midwives, health visitors and nursing auxiliaries, courses of training for teachers of nurses, midwives, health visitors and nursing auxiliaries, and courses of training in nursing administration;
- (h) prescribing the conditions for admission to courses of training as aforesaid;
- (i) prescribing the standards of examination and other requirements to be satisfied for declaration of any qualification as recognized qualification or recognized higher qualification;
- (j) regulating the practice of nurses, midwives, health visitors and nursing auxiliaries and for prohibiting persons not registered in the register from so practicing;
- (k) prescribing fees to be charged for registration or for any other purpose of the Act;
- (l) prescribing fees for recognition of any Institution or authority; and
- (m) any other matter which is to be or may be prescribed.

26. (1) The provisions of the Pakistan Nursing Council Act, 1973 (XXVI of 1973) relating to the Province of Sindh, are hereby repealed. **Repeal and saving.**

(2) Notwithstanding the repeal under sub-section (1), all orders, rules or regulations made, notifications issued, actions and proceedings taken under the repealed Act shall continue to remain in force until altered, amended or repealed under the provisions of this Act.

STATEMENTS OF OBJECTS AND REASONS

In view of the eighteenth amendment, the subject "health" is devolved to the Provinces. In order to regulate the matters relating to the nurses, midwives and health visitors, it is expedient to establish the Sindh Nursing Council at provincial level and enact a law in the matter.

MEMBER-IN-CHARGE

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

SCHEDULE-II
(See section 12(2))
RECOGNITION OF INSTITUTION

SCHEDULE-III
(See section 18(1))
**Registration of nurses, midwives, health visitors and
nursing auxiliaries possessing recognized qualifications
or recognized higher qualifications**