

IndiaCode

The National Nursing and Midwifery Commission Act, 2023

(ACT NO. 26 OF 2023)

[*As on the* 1*st July*, 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

IndiaCode

THE NATIONAL NURSING AND MIDWIFERY COMMISSION ACT, 2023

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title and commencement.
2. Definitions.

CHAPTER II

NATIONAL NURSING AND MIDWIFERY COMMISSION.

3. National Nursing and Midwifery Commission.
4. Composition of National Commission.
5. Search-cum Selection Committee for appointment of Chairperson and Members of National Commission.
6. Term of office and conditions of service of Chairperson and Members of National Commission.
7. Removal of Chairperson or Member of National Commission.
8. Secretary and other employees of National Commission.
9. Meetings of National Commission, administration, etc.
10. Powers and functions of National Commission.

CHAPTER III

AUTONOMOUS BOARDS

11. Autonomous Boards.
12. Composition of Autonomous Boards.
13. Term of office and conditions of service of President and Members.
14. Advisory committees of experts.
15. Staff of Autonomous Boards.
16. Meetings, etc., of Autonomous Boards.
17. Powers of Autonomous Boards and delegation of powers.
18. Powers and functions of Nursing and Midwifery Undergraduate and Postgraduate Education Board.
19. Powers and functions of Nursing and Midwifery Assessment and Rating Board.
20. Powers and functions of Nursing and Midwifery Ethics and Registration Board.

IndiaCode

SECTIONS

21. Permission for establishment of new nursing or midwifery institution.

22. Criteria for approving or disapproving proposal.

CHAPTER IV

STATE NURSING AND MIDWIFERY COMMISSIONS

23. Constitution and composition of State Nursing and Midwifery Commission.

24. Functions of State Commission.

CHAPTER V

REGISTRATION

25. National Register and State Register.

26. Rights of persons to have licence to practice and to be enrolled in National Register or State Register for Nursing and Midwifery Professionals and their obligations thereto.

27. Bar to practice.

CHAPTER VI

RECOGNITION OF NURSING AND MIDWIFERY QUALIFICATIONS

28. Recognition of nursing and Midwifery qualifications granted by Universities or nursing and midwifery institutions in India.

29. Recognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.

30. Recognition of nursing and midwifery qualifications granted by statutory or other body in India.

31. Withdrawal of recognition granted to nursing and midwifery qualification granted by nursing and midwifery institutions in India.

32. Special provision in certain cases for recognition of nursing and midwifery qualifications.

33. Derecognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.

CHAPTER VII

NURSING AND MIDWIFERY ADVISORY COUNCIL

34. Nursing and Midwifery Advisory Council.

35. Functions of Nursing and Midwifery Advisory Council.

36. Meetings of Nursing and Midwifery Advisory Council.

CHAPTER VIII

GRANTS, AUDIT AND ACCOUNTS

37. Grants by Central Government.

38. National Nursing and Midwifery Commission Fund.

39. Audit and accounts.

40. Furnishing of returns and reports to Central Government.

IndiaCode

CHAPTER IX

MISCELLANEOUS

SECTIONS

41. Power of Central Government to give directions to National Commission, Autonomous Boards and Nursing and Midwifery Advisory Council.
42. Power of Central Government to give directions to State Governments.
43. Power of National Commission to give directions to State Commissions.
44. Information to be furnished by National Commission and publication thereof.
45. Obligation of Universities and nursing and midwifery institutions.
46. Completion of courses of studies in nursing and midwifery institutions.
47. Chairperson, Members, officers of National Commission and of Autonomous Boards, to be public servants.
48. Protection of action taken in good faith.
49. Cognizance of offences.
50. Power of Central Government to supersede National Commission.
51. Power of Central Government to make rules.
52. Power to make regulations.
53. Power of State Government to make rules.
54. Laying of rules, regulations and notifications before Parliament.
55. Power to remove difficulties.
56. Repeal and saving.
57. Transitory provisions.

IndiaCode

THE NATIONAL NURSING AND MIDWIFERY COMMISSION ACT, 2023

ACT NO. 26 OF 2023

[12*th August*, 2023.]

An Act to provide for regulation and maintenance of standards of education and services by nursing and midwifery professionals, assessment of institutions, maintenance of a National Register and State Registers and creation of a system to improve access, research and development and adoption of latest scientific advancement and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(*1*) This Act may be called the National Nursing and Midwifery Commission Act, 2023.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

IndiaCode

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Autonomous Board" means any of the Autonomous Boards constituted under section 11;

(*b*) "Chairperson" means the Chairperson of the National Nursing and Midwifery Commission appointed under section 4;

(*c*) "Fund" means the National Nursing and Midwifery Commission Fund referred to in section 38;

(*d*) "midwifery" means a skilled, knowledgeable, and compassionate care for childbearing women, new-born infants and families across the continuum from pre-pregnancy, pregnancy, birth, postpartum and the early weeks of life and includes—

(*i*) preventive measures;

(*ii*) promotion of normal birth;

(*iii*) detection of complications in mother and child;

(*iv*) accessing of medical care or other appropriate assistance;

(*v*) appropriate and timely referrals; and

(*vi*) carrying out emergency measures as per the scope of practice as specified by the National Nursing and Midwifery Commission;

1. **29-02-2024**.—sub-sections (g), (h), (i), (j), (k) and (l) of section 4, sub-section 1 of section 5, sub-sections (5) & (7) of section 6, sub-sections (2) & (7) of section 8, clause (p) of sub-section (2) of section 10, sub-section 6 of section 12, sub-sections (2), (3) and (4) of section 13, clauses (d), (e), (f) of sub-section (3) of section 23, sub-section (1) of section 39, sub-sections (1) and (2) of section 40 and sub-section (5) of section 56, *vide* Notifn. No. S.O. 991(E), dated 29-02-2024 see Gazette of India, Extraordinary, Part II, Sec. 3(ii).

(*e*) “midwifery associate” means a member of the health team, who has acquired the recognised qualification and is granted licence to practice as midwifery associate by the National Nursing and Midwifery Commission, who—

(*i*) assists doctors or nurse practitioners in midwifery in the delivery of babies; and

(*ii*) provides care during pregnancy, labour and postpartum period and instruct parents in baby care as per the scope of practice specified by the National Nursing and Midwifery Commission;

(*f*) “midwifery professional” means a person who has obtained the recognised basic or advance qualification and is granted licence to practice by the National Nursing and Midwifery Commission;

(*g*) “National Commission” means the National Nursing and Midwifery Commission constituted under section 3;

(*h*) “National Register” means the Indian Nurses and Midwives' Register maintained by the Nursing and Midwifery Ethics and Registration Board under section 25;

(*i*) “notification” means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression “notify” with its grammatical variation and cognate expressions shall be construed accordingly;

(*j*) “nurse” means a healthcare professional who—

(*i*) has completed a formally recognised programme of basic, generalised nursing education and who has acquired the requisite qualification and is granted licence to practice nursing by the National Nursing and Midwifery Commission; and

(*ii*) demonstrates competency in the practice of nursing;

(*k*) "nurse practitioner" means a licensed nurse who—

(*i*) has completed a formally recognised advanced education and training programme and has acquired the requisite qualification and is granted licence to practice by the National Commission; and

(*ii*) demonstrates clinical competencies for the scope of practice, complex decision making and have expert knowledge in the area of specialisation;

(*l*) “nurse practitioner in midwifery” means a licensed nurse, who—

(*i*) has completed a formally recognised advanced education and training programme and who has acquired the requisite qualification and is granted licence to practice by the National Commission; and

(*ii*) demonstrates clinical competency for the scope of practice, complex decision making and have expert knowledge in the area of specialisation;

(*m*) “nursing” means the autonomous and collaborative care of individuals of all ages, families, groups and communities, sick or well and includes the promotion of health, prevention of illness, care of physically ill, mentally ill, disabled and dying people in all healthcare and other community settings by—

(*i*) carrying out healthcare teaching;

(*ii*) participating fully as a member of the healthcare team; and

IndiaCode

(*iii*) supervising and training nursing and healthcare auxiliaries, additional key nursing roles including advocacy, promotion of a safe environment, research, participation in shaping health policy, in-patient health systems management and education;

(*n*) "Nursing and Midwifery Assessment and Rating Board" means the Nursing and Midwifery Assessment and Rating Board constituted under clause (*b*) of sub-section (*1*) of section 11;

(*o*) "Nursing and Midwifery Ethics and Registration Board" means the Nursing and Midwifery Ethics and Registration Board constituted under clause (*c*) of sub-section (*1*) of section 11;

(*p*) "nursing and midwifery institution" means an educational and training institution or a research institution within India, recognised under this Act, which grants diploma or undergraduate or postgraduate or any other post degree diploma or certificate in nursing and midwifery, and includes affiliated colleges and deemed to be Universities;

(*q*) "nursing and midwifery leader" means any nursing or midwifery professional, who is the Dean of a nursing educational institution, or Principal or Vice-Principal of a college of nursing, or Nursing Superintendent, or Chief Nursing Officer of the Nursing and Midwifery Department, in any institution or healthcare facility and possessing such qualifications and experience as may be prescribed;

(*r*) "Nursing and Midwifery Undergraduate and Postgraduate Education Board" means the Nursing and Midwifery Undergraduate and Postgraduate Education Board constituted under clause (*a*) of sub-section (*1*) of section 11;

(*s*) "nursing associate" means a member of the health team, who has acquired the recognised qualification and is granted licence to practice as nursing associate by the National Commission, who provides care for the sick and injured including those in need of nursing care in varied health settings within his authorised scope of practice;

(*t*) "nursing professional" means a nurse registered with the National Commission, having basic or advance qualification and includes a nurse practitioner in any speciality;

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

(*v*) "qualification" means the level of courses such as diploma, undergraduate degree, postgraduate degree and higher qualification including certification courses, inclusive of the specified curriculum of such courses or programmes;

(*w*) "recognised nursing and midwifery qualification" means a nursing and midwifery qualification recognised under section 28 or section 29 or section 32, as the case may be;

(*x*) "registered professional" means any associate or professional in nursing and midwifery who is registered with any of the State Commissions or, as the case may be, the National Commission under section 25;

(*y*) "regulations" means the regulations made by the National Commission under section 52;

(*z*) "State Commission" means the State Nursing and Midwifery Commission constituted under section 23;

(*za*) "State Register" means the State Register for Nursing Professionals and Midwifery Professionals or the State Register for Nurse Associates and Midwifery Associates, maintained by State Commission under section 25;

IndiaCode

(*zb*) "University" shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an institution declared to be deemed University under section 3 of that Act.

CHAPTER II

NATIONAL NURSING AND MIDWIFERY COMMISSION

3. National Nursing and Midwifery Commission.—(*1*) The Central Government shall constitute a Commission, to be known as the National Nursing and Midwifery Commission, with effect from such date as it may, by notification, appoint, for exercising such powers and discharging such duties as are laid down under this Act.

(*2*) The National Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(*3*) The head office of the National Commission shall be at New Delhi.

4. Composition of National Commission.—The National Commission shall consist of a Chairperson, sixteen *ex officio* Members and twelve Members as follows, namely:—

(*a*) a person having outstanding ability, proven administrative capacity and integrity and possessing a postgraduate degree in nursing and midwifery profession from any University with experience of not less than twenty years in the field of nursing and midwifery, out of which at least ten years shall be as a nursing and midwifery leader, to be appointed by the Central Government—Chairperson;

(*b*) one representative of the Department of Health and Family Welfare, Ministry of Health and Family Welfare, not below the rank of Joint Secretary to the Government of India who is in-charge of nursing and midwifery—Member, *ex officio*;

(*c*) one representative of the Ministry of Defence not below the rank of Additional Director General, Military Nursing Services to the Government of India in the Directorate General of Armed Forces Medical Services—Member, *ex officio*;

(*d*) one representative of the Directorate General of Health Services not below the rank of Additional Director General—Member, *ex officio*;

(*e*) one person representing the National Medical Commission not below the rank of Deputy Secretary to the Government of India—Member, *ex officio*;

(*f*) President of each of the Autonomous Boards constituted under section 11—Members, *ex officio*;

(*g*) three persons, not below the rank of Chief Nursing Officer or Nursing Superintendent of any of the hospitals or Dean or Principal of College of Nursing, as the case may be, to be nominated by the Central Government from Central Government hospitals or Nursing and Midwifery Institutions of repute in such manner as may be prescribed—Members, *ex officio*;

(*h*) one person from each of the six zones, as may be prescribed, not below the rank of Chairperson, who shall be a nursing and midwifery professional, representing the State Commissions, on biennial rotation in the alphabetical order as per the zonal distribution of States and Union territories, to be nominated in such manner as may be prescribed—Members, *ex officio*;

(*i*) six nursing members of eminence, one from each of the six zones, as may be prescribed, from nursing and midwifery profession of outstanding ability, proven administrative capacity and integrity, possessing a

postgraduate degree in any discipline of nursing and midwifery from any University and having experience of not less than fifteen years in the field of nursing and midwifery, out of which at least seven years shall be as a nursing and midwifery leader, to be nominated by the State Governments in such manner as may be prescribed—Members:

Provided that the States and Union territories represented under clauses (*h*) and (*i*) shall be distinct;

(*j*) four nursing and midwifery members of eminence, of which at least two shall be midwifery professionals, of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of nursing and midwifery from any University and having experience of not less than fifteen years in the field of nursing and midwifery, out of which at least seven years shall be as a nursing and midwifery leader, to be nominated by the Central Government in such manner as may be prescribed—Members;

(*k*) one person representing charitable institutions engaged in education or services in the field of nursing and midwifery and having such qualification and experience, to be appointed by the Central Government in such manner as may be prescribed—Member; and

(*l*) a person of eminence to be appointed by the Central Government, in such manner as may be prescribed, from amongst persons of ability, integrity and standing, who have special knowledge and professional experience in such areas including management, law, medical ethics, health research, consumer or patient rights advocacy, science and technology and economics—Member.

5. Search-cum Selection Committee for appointment of Chairperson and Members of National Commission.—(*1*) The Central Government shall appoint—

(*i*) the Chairperson and Members referred to in clauses (*a*), (*j*), (*k*) and (*l*) of section 4;

(*ii*) the Secretary referred in sub-section (*2*) of section 8; and

(*iii*) the President and Members of Autonomous Boards referred in sub-sections (*3*), (*4*) and (*5*) of section 12,

on the recommendations of a Search-cum-Selection Committee consisting of—

(*a*) the Secretary, Ministry of Health and Family Welfare—Chairperson;

(*b*) four nursing and midwifery experts possessing outstanding qualifications and experience of not less than twenty-five years in the field of nursing and midwifery education, public health nursing education and nursing health research, to be nominated by the Central Government in such manner as may be prescribed—Members;

(*c*) one person, possessing outstanding qualifications and experience of not less than twenty-five years in the field of management or law or economics or science and technology, to be nominated by the Central Government in such manner as may be prescribed—Member; and

(*d*) an Additional Secretary or a Joint Secretary to the Government of India in-charge of nursing in the Ministry of Health and Family Welfare, to be the Convenor—Member.

(*2*) The Central Government shall, within one month from the date of occurrence of any vacancy, including by reason of death, resignation or removal of the Chairperson or Secretary or a Member, or within three months before the end of tenure of the Chairperson or Secretary or Member, make a reference to the Search-cum-Selection Committee for filling up of the vacancy.

(*3*) The Search-cum-Selection Committee shall recommend a panel of at least three names for each vacancy.

(*4*) The Search-cum-Selection Committee shall, before recommending any person for appointment of the Chairperson or Secretary or Member, satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Secretary or Member.

(*5*) No appointment of the Chairperson or Secretary or Member of the National Commission or, as the case may be, the President or Member of the Autonomous Boards, shall be invalid merely by reason of any vacancy or absence of a Member in the Search-cum-Selection Committee.

(*6*) Subject to the provisions of sub-sections (*2*) to (*5*), the Search-cum-Selection Committee may regulate its own procedure.

6. Term of office and conditions of service of Chairperson and Members of National Commission.—(*1*) The Chairperson, Secretary and Members of the National Commission referred to in clauses (*i*), (*j*), (*k*) and (*l*) of section 4, shall hold office for a term not exceeding four years, as the Central Government may notify in this behalf, from the date on which they enter upon their office and shall not be eligible for any extension or reappointment.

(*2*) A person who has completed the age of sixty-five years on the date of application shall not be eligible for the post of Member of the National Commission.

(*3*) The term of office of an *ex officio* Member shall continue as long as such Member holds the office by virtue of which he is a Member.

(*4*) Where a Member appointed to the National Commission under clause (*i*) or clause (*j*) or clause (*k*) or clause (*l*) of section 4, is absent from three consecutive ordinary meetings of the National Commission and the cause of such absence is not attributable to any valid reason in the opinion of the National Commission, such Member shall be deemed to have vacated the seat.

(*5*) The Chairperson of the National Commission and the Members of the National Commission referred to in clauses (*i*), (*j*), (*k*) and (*l*) of section 4, shall receive such salaries or travelling and other allowances as may be prescribed.

(6) Notwithstanding anything contained in sub-section (*1*), the Chairperson or a Member of the National Commission referred to in clauses (*i*), (*j*), (*k*) and (*l*) of section 4, may—

(*a*) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or

(*b*) be removed from his office in accordance with the provisions of section 7:

Provided that, if the Central Government so decides, such person may be relieved from duties earlier than three months or be allowed to continue beyond three months until a successor is appointed.

(*7*) The Chairperson and every Member of the National Commission shall make declaration of his assets and liabilities at the time of entering upon his office and at the time of demitting office and also declare his professional and commercial engagement or involvement in such form and manner as may be prescribed, and the said declaration shall be published on the website of the National Commission.

(*8*) The Chairperson or a Member of the National Commission referred to in clauses (*i*), (*j*), (*k*) and (*l*) of section 4, ceasing to hold office as such, shall not accept, for a period of two years from the date of demitting such office, any employment, in any capacity including as a consultant or an expert, in any private

IndiaCode

nursing and midwifery institution, whose matter has been dealt with by such Chairperson or Member, either directly or indirectly:

Provided that nothing contained herein shall be construed as preventing such person from accepting an employment in a body or institution, including nursing and midwifery institution, controlled or maintained by the Central Government or a State Government:

Provided further that nothing contained herein shall prevent the Central Government from permitting the Chairperson or a Member of the National Commission to accept any employment in any capacity, including as a consultant or expert in any private nursing and midwifery institution whose matter has been dealt with by such Chairperson or Member.

7. Removal of Chairperson or Member of National Commission.—(*1*) The Central Government may, by order, remove from office, the Chairperson or any other Member of the National Commission, who—

(*a*) has been adjudged an insolvent; or

(*b*) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(*c*) has become physically or mentally incapable of acting as a Member; or

(*d*) is of unsound mind and stands so declared by a competent court; or

(*e*) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(*f*) has so misused his position as to render his continuance in office prejudicial to the public interest.

(*2*) No Member shall be removed under clauses (*e*) and (*f*) of sub-section (*1*) unless he has been given a reasonable opportunity of being heard.

8. Secretary and other employees of National Commission.—(*1*) There shall be a secretariat for the National Commission to be headed by a Secretary, to be appointed by the Central Government in accordance with the provisions of section 5.

(*2*) The Secretary of the National Commission shall be a person of outstanding ability, proven administrative capacity and integrity, possessing such qualifications and experience, as may be prescribed.

(*3*) The Secretary shall hold the office for a term of four years and shall not be eligible for any extension or reappointment.

(*4*) The Secretary shall also be the Member Secretary of each of the Autonomous Boards constituted under section 11.

(*5*) The Secretary shall discharge such functions of the National Commission and that of each of the Autonomous Boards constituted under section 11, as may be specified by regulations.

(*6*) The National Commission may, for the optimum discharge of its functions under this Act, appoint such officers, and other employees of the National Commission other than the Secretary, as it considers necessary, against the posts created by the Central Government as recommended by the National Commission.

(*7*) The salaries and allowances payable to and other terms and conditions of service of the Secretary, officers and other employees of the National Commission shall be such, as may be prescribed.

IndiaCode

(*8*) The National Commission may engage, in accordance with the procedure, such number of experts, consultants and professionals of integrity and outstanding ability, as may be specified by regulations, who have special knowledge of, and experience in such fields, including nursing and midwifery education, public health nursing, management, health economics, quality assurance, patient advocacy, nursing research, science and technology, administration, finance, information technology, statistics, nursing informatics, accounts and law, as it deems necessary, to assist the National Commission in the discharge of its functions under this Act.

(*9*) The National Commission may also invite, in accordance with the procedure, such number of experts and domain specialists from foreign countries to the meetings of the National Commission, as may be specified by regulations, who have special knowledge of nursing and midwifery curriculum, practical training and pattern of examination including licentiate examination of the relevant foreign country, as it deems necessary, to facilitate global mobility and employability of registered professional.

9. Meetings of National Commission, administration, etc.—(*1*) The National Commission shall meet at least once in every quarter at such time and place as may be appointed by the Chairperson.

(*2*) The Chairperson shall preside over the meetings of the National Commission and if for any reason the Chairperson is unable to attend such meeting, any other Member being the President of an Autonomous Board, as may be nominated by the Chairperson, shall preside over that meeting.

(*3*) Unless the procedure to be followed at the meetings of the National Commission is otherwise provided by regulations, one-half of the total number of Members of the National Commission including the Chairperson shall constitute the quorum at the meeting of the National Commission and all the acts of the National Commission shall be decided by a majority of the Members, present and voting and in the event of equality of votes, the Chairperson, or in his absence, the President of the Autonomous Board nominated under sub-section (*2*), shall have the casting vote.

(*4*) The general superintendence, direction and control of the administration of the National Commission shall vest in the Chairperson.

(*5*) No act done by the National Commission shall be questioned on the ground of the existence of a vacancy in, or a defect in the constitution of, the National Commission.

10. Powers and functions of National Commission.—(*1*) The National Commission shall take all such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services, with periodic revisions, as may be specified by regulations.

(*2*) The National Commission may make regulations for the purposes of performing the following functions, namely:—

(*a*) to frame policies and regulate standards for the governance of nursing and midwifery education and training;

(*b*) to regulate nursing and midwifery institutions, researches, professionals and associates;

(*c*) to identify and regulate any other category of nursing and midwifery profession;

(*d*) to provide basic standards of education, physical and instructional facilities, assessment, examination, training, research, continuing professional education and maximum tuition fee payable in respect of various categories;

(*e*) to provide standards for nursing and midwifery faculty and clinical facility in teaching institutions;

(*f*) to provide for a uniform mechanism for admission into the nursing and midwifery institutions at various levels.

Explanation.—For the purposes of this clause, it is clarified that the authority as may be designated by the Central Government shall make admissions into nursing and midwifery institutions in such uniform manner at all India level, and the authority as may be designated by the State Government shall make admissions in the same manner into nursing and midwifery institutions at State level;

(*g*) to provide for a mechanism, either through final year undergraduate exam or otherwise, to ensure adequate competence of the nursing and midwifery professionals for enrolment in the National Register or State Register, as the case may be, and for granting licence to practice as a nursing and midwifery professional;

(*h*) to collaborate with industry and other institutions for use of cutting-edge technology and hybrid education to drive innovation and research in the field of nursing and midwifery;

(*i*) to integrate soft skills and elective courses in the curriculum of nursing and midwifery qualifications and to take measures to enhance skills and competency of registered professional for facilitating global mobility;

(*j*) to assess the nursing and midwifery requirements in healthcare, including human resources for various healthcare settings, provide mechanisms for career development pathways for all nursing and midwifery related cadres including appropriate lateral entry as applicable and advise the Central Government on matters pertaining thereto;

(*k*) to ensure policies and codes to ensure observance of professional ethics in nursing and midwifery profession and to promote ethical conduct during the provision of care by nursing and midwifery professionals, including nursing associates and midwifery associates;

(*l*) to promote, co-ordinate and frame guidelines and lay down policies for the proper functioning of the National Commission, the Autonomous Boards, the Advisory Council and the State Commissions;

(*m*) to ensure coordination among the Autonomous Boards;

(*n*) to take such measures, as may be necessary, to ensure compliance of the guidelines framed and regulations made under this Act by the State Commissions for their effective functioning;

(*o*) to exercise appellate jurisdiction with respect to the decisions of Autonomous Boards; and (p) to perform such other functions as may be prescribed.

(*3*) The National Commission may delegate such of its functions, except the power to make regulations, to the Autonomous Boards as it may deem necessary.

(*4*) The National Commission shall, at least once a year, hold a meeting with the National Medical Commission, Pharmacy Council of India, National Commission for Indian System of Medicine, National Commission for Homoeopathy and National Commission for Allied and Healthcare Professions, or the corresponding National Regulator for regulating the said professions, at such time and place as they mutually appoint, to enhance the interface between different workforce categories in modern system of medicine, develop consensus on issues and promote team based approach to healthcare delivery.

IndiaCode

(*5*) Every order and decision of the National Commission shall be authenticated by the signature of its Secretary.

(*6*) The National Commission may delegate such of its powers of administrative and financial matters, as it deems fit, to its Secretary.

(*7*) The National Commission may constitute sub-committees and delegate such of its powers to such sub-committees as may be necessary to enable them to accomplish specific tasks.

CHAPTER III

AUTONOMOUS BOARDS

11. Autonomous Boards.—(*1*) The Central Government shall, by notification, constitute the following Autonomous Boards, under the overall supervision of the National Commission, to perform the functions assigned to such Boards under this Act, namely:—

(*a*) the Nursing and Midwifery Undergraduate and Postgraduate Education Board;

(*b*) the Nursing and Midwifery Assessment and Rating Board; and

(*c*) the Nursing and Midwifery Ethics and Registration Board.

(*2*) Every Autonomous Board referred to in sub-section (*1*) shall be an autonomous body which shall carry out its functions under this Act in such manner as may be specified by regulations.

12. Composition of Autonomous Boards.—(*1*) The Nursing and Midwifery Undergraduate and Postgraduate Education Board shall have not more than two whole-time Members and not more than two part-time Members other than a President.

(*2*) The Nursing and Midwifery Assessment and Rating Board and the Nursing and Midwifery Ethics and Registration Board shall consist of a President, not more than two whole-time Members and not more than two part-time Members.

(*3*) The President of each Autonomous Board, two whole-time Members and one part-time Member of Nursing and Midwifery Undergraduate and Postgraduate Education Board, and one whole-time Member and one part-time Member of Nursing and Midwifery Assessment and Rating Board and Nursing and Midwifery Ethics and Registration Board, shall be persons of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of nursing and midwifery from any University and having experience of not less than fifteen years, out of which at least seven years shall be as a nursing and midwifery leader to be appointed by the Central Government on the recommendations of the Search-cum-Selection Committee constituted under section 5.

(*4*) The second whole-time Member of the Nursing and Midwifery Assessment and Rating Board, to be appointed by the Central Government on the recommendations of the Search-cum-Selection Committee constituted under section 5, shall be a person of outstanding ability and integrity, possessing a postgraduate degree in any of the disciplines of management, quality assurance, law or science and technology from any University, having hands on clinical experience of not less than fifteen years in such field, out of which at least seven years shall be as the Head of a Department or the Head of an Institute or an organisation.

(*5*) The second whole-time Member of the Nursing and Midwifery Ethics and Registration Board, to be appointed by the Central Government on the recommendations of the Search-cum-Selection Committee constituted under section 5, shall be a person of outstanding ability who has demonstrated public record of work on nursing or medical ethics or a person of outstanding ability possessing a postgraduate degree in any of the disciplines of quality assurance, public health, law or patient advocacy from any University and

IndiaCode

having experience of not less than fifteen years in such field, out of which at least seven years shall be as the Head of a Department or the Head of an Institute or an organisation.

(*6*) The second part-time Member of the Nursing and Midwifery Assessment and Rating Board, the Nursing and Midwifery Ethics and Registration Board and the Nursing and Midwifery Undergraduate and Postgraduate Education Board, shall be chosen from amongst the nursing and midwifery Members representing the State Commissions under clause (h) of section 4, in such manner as may be prescribed.

13. Term of office and conditions of service of President and Members.—(*1*) The President and the whole-time Members of each Autonomous Board shall hold office for a term not exceeding four years and shall not be eligible for any extension or reappointment:

Provided that the part-time Members of each Autonomous Board shall hold the office for a term of two years:

Provided further that a Member should be less than sixty-five years of age on the date of application for the office of Member.

(*2*) The vacancies of each Autonomous Board shall be filled in such manner as may be prescribed.

(*3*) The salaries and allowances payable to, and other terms and conditions of service of the President and the whole-time Members of an Autonomous Board shall be such as may be prescribed.

(*4*) Every part-time Member of an Autonomous Board shall be entitled for such allowances as may be prescribed.

(*5*) The provisions of sub-sections (*4*), (*5*), (*6*), (*7*) and (*8*) of section 6 relating to other terms and conditions of service, and section 7 relating to removal from the office, of the Chairperson and Members of the National Commission shall *mutatis mutandis* apply to the President and Members of the Autonomous Boards.

14. Advisory committees of experts.—(*1*) Each Autonomous Board, except the Nursing and Midwifery Ethics and Registration Board, shall be assisted by such advisory committees consisting of experts as may be constituted by the National Commission, for the efficient discharge of the functions of such Autonomous Board.

(*2*) The Nursing and Midwifery Ethics and Registration Board shall be assisted by such ethics committees of experts as may be constituted by the National Commission for the efficient discharge of the functions of such Autonomous Board.

15. Staff of Autonomous Boards.—(*1*) The experts, consultants, professionals, officers and other employees appointed under section 8 shall be made available to the Autonomous Boards in such number and manner, as may be specified by regulations.

(*2*) The foreign experts and domain specialists from foreign countries invited by the National Commission under section 8 shall also be made available to the Autonomous Boards in such number and manner, as may be specified by regulations.

16. Meetings, etc., of Autonomous Boards.—(*1*) Every Autonomous Board shall meet at least once in a month at such time and place as it may appoint.

(*2*) Every decision of the Autonomous Boards shall be made by majority of votes of its respective President and Members.

IndiaCode

(*3*) Subject to the provisions of section 21, a person aggrieved by any decision of an Autonomous Board, may prefer an appeal to the National Commission against such decision within thirty days of the communication of that decision and the National Commission shall, after giving an opportunity of being heard, dispose of the appeal within a period of sixty days from the date of such appeal.

17. Powers of Autonomous Boards and delegation of powers.—(*1*) The President of each Autonomous Board shall have such administrative and financial powers as may be delegated to it by the National Commission to enable such Autonomous Board for optimum functioning.

(*2*) The President of an Autonomous Board may further delegate any of his powers to a Member or an officer of such Autonomous Board.

18. Powers and functions of Nursing and Midwifery Undergraduate and Postgraduate Education Board.—(*1*) The Nursing and Midwifery Undergraduate and Postgraduate Education Board shall perform the following functions, namely:—

(*a*) determine the minimum requirements and standards of nursing and midwifery education and examination at undergraduate level and postgraduate level, in such manner as may be specified by regulations, and oversee all aspects relating thereto;

(*b*) develop dynamic competency based curriculum at undergraduate level and postgraduate level, in such manner as may be specified by regulations, with a view to develop appropriate skill, knowledge, attitude, values and ethics to provide healthcare, impart nursing and midwifery education and conduct research:

Provided that the competencies shall be aligned with the needs of the national health programme, across continuum of care in varied healthcare settings in order to ensure optimum healthcare delivery system;

(*c*) prescribe qualifications at the undergraduate level and postgraduate level in nursing and midwifery and such other particulars, as may be specified by regulations;

(*d*) prescribe standards for setting up of nursing and midwifery institutions for imparting undergraduate and postgraduate courses, having regard to the needs of the country and the global norms, in such manner as may be specified by regulations;

(*e*) determine the standards and norms for infrastructure, faculty and quality of education in nursing and midwifery institutions providing undergraduate and postgraduate nursing and midwifery education, in such manner as may be specified by regulations;

(*f*) facilitate development and training of faculty members for teaching, research as well as international student and faculty exchange programmes relating to undergraduate, nursing and midwifery education;

(*g*) specify norms for compulsory annual disclosures, clinical facilities, faculty, digitally or otherwise, by nursing and midwifery institutions, in respect of their functions that has a bearing on the interest of all stakeholders including students, faculty, State Commissions, the National Commission and the Central Government;

(*h*) regulate the standards and scope of practice of registered nursing and midwifery professionals, including nurse practitioners, nursing associates and midwifery associates who have obtained the nursing and midwifery qualification as provided by the Nursing and Midwifery Undergraduate and Postgraduate Education Board, in such manner as may be specified by regulations; and

(*i*) regulate, in consultation with the National Medical Commission, the limited prescribing authority for nurse practitioners in all specialities, who have obtained the requisite nursing and midwifery qualification and qualify such criteria as may be provided by the Nursing and Midwifery Undergraduate and Postgraduate Education Board, in such manner as may be specified by regulations.

IndiaCode

(*2*) The Nursing and Midwifery Undergraduate and Postgraduate Education Board shall, in the discharge of its duties, make such recommendations to, and seek such directions from, the National Commission, as it may deem necessary.

19. Powers and functions of Nursing and Midwifery Assessment and Rating Board.—(*1*) The Nursing and Midwifery Assessment and Rating Board shall perform the following functions, namely:—

(*a*) the procedure for assessing and rating the nursing and midwifery institutions for their compliance with the standards laid down by the Nursing and Midwifery Undergraduate and Postgraduate Education Board, shall be such as may be specified by regulations;

(*b*) grant permission for establishment of a new nursing and midwifery institution, or to start any postgraduate level or higher qualification course, or to increase number of seats, in accordance with the provisions of section 21;

(*c*) conduct inspections of nursing and midwifery institution for assessing and rating such institutions in such manner as may be specified by regulations:

Provided that the Nursing and Midwifery Assessment and Rating Board may, if it deems necessary, hire and authorise any other inspection agency or accreditation body or persons for conducting inspections of nursing and midwifery institutions for assessing and rating such institutions:

Provided further that where inspection of nursing and midwifery institution is conducted by such inspection agency or accreditation body or persons authorised by the Nursing and Midwifery Assessment and Rating Board, it shall be obligatory on such institution to provide access to such agency or person:

Provided also that the Nursing and Midwifery Assessment and Rating Board may conduct evaluation and assessment of any nursing and midwifery institution at any time, either directly or through any other expert having integrity and experience of nursing and midwifery profession and without any prior notice and assess and evaluate the performance, standards and benchmarks of such nursing and midwifery institution;

(*d*) conduct, or where it deems necessary, empanel independent rating agencies to conduct, assess and rate all nursing and midwifery institutions, within such period of their opening, at such time, and in such manner as may be specified by regulations;

(*e*) make available on its website or in public domain the assessment and ratings of nursing and midwifery institutions at regular intervals in such manner as may be specified by regulations;

(*f*) take such measures, including issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the National Commission for withdrawal of recognition, against a nursing and midwifery institution for failure to maintain the minimum essential standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board, in such manner as may be specified by regulations:

Provided that the monetary penalty imposed shall not be less than one-tenth, and not more than five times, of the total amount charged, by whatever name called, by such institution for one full batch of students of undergraduate course or postgraduate course, as the case may be:

Provided further that the Nursing and Midwifery Assessment and Rating Board shall consult the Nursing and Midwifery Undergraduate and Postgraduate Education Board before recommending to the National Commission for withdrawal of recognition of a nursing and midwifery institution that fails to maintain the minimum essential standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board.

(*2*) The Nursing and Midwifery Assessment and Rating Board shall, in the discharge of its functions, make such recommendations to, and seek such directions from, the National Commission, as it may deem necessary.

20. Powers and functions of Nursing and Midwifery Ethics and Registration Board.—(*1*) The Nursing and Midwifery Ethics and Registration Board shall perform the following functions, namely:—

(*a*) maintain the National Register for all registered professionals in accordance with the provisions of section 25;

(*b*) approve or reject applications for registration of professionals governed under this Act;

(*c*) regulate professional conduct and promote nursing and midwifery ethics in such manner as may be specified by regulations:

Provided that the Nursing and Midwifery Ethics and Registration Board shall ensure compliance of the code of professional and ethical conduct through the State Commission in a case where such State Commission has been conferred power to take disciplinary action in respect of professional or ethical misconduct by nursing and midwifery professionals under this Act;

(*d*) develop mechanisms to have continuous interaction with State Commissions to effectively promote and regulate the conduct of nursing and midwifery professionals;

(*e*) exercise appellate jurisdiction with respect to the actions taken by a State Commission under section 24; and

(*f*) provide for mechanisms for receiving complaints and grievance redressal.

(*2*) The Nursing and Midwifery Ethics and Registration Board shall, in the discharge of its duties, make such recommendations to, and seek such directions from, the National Commission, as it may deem necessary.

21. Permission for establishment of new nursing or midwifery institution.—(*1*) No person shall establish a new nursing and midwifery institution, or start any postgraduate course, or increase number of seats, without obtaining prior permission of the Nursing and Midwifery Assessment and Rating Board:

Provided that the Nursing and Midwifery Assessment and Rating Board shall consult the Nursing and Midwifery Undergraduate and Postgraduate Education Board before according or refusing to accord such permission.

(*2*) For the purposes of obtaining permission under sub-section (*1*), a person may submit a proposal to the Nursing and Midwifery Assessment and Rating Board in such form, containing such particulars, accompanied by such fee, and in such manner, as may be specified by regulations.

(*3*) The Nursing and Midwifery Assessment and Rating Board shall, having due regard to the criteria specified in section 22, consider the proposal received under sub-section (*2*) and either approve or disapprove such proposal within a period of six months from the date of such receipt:

Provided that before disapproving such proposal, an opportunity to rectify the defects, if any, shall be given to the person concerned.

(*4*) Where a proposal is approved under sub-section (*3*), such approval shall be deemed to be the permission under sub-section (*1*) to establish a new nursing and midwifery institution or start any postgraduate course or increase number of seats, as the case may be.

(*5*) Where a proposal is disapproved under sub-section (*3*), or where no decision is taken within six months of submitting a proposal under sub-section (*2*), the person concerned may prefer an appeal to the National Commission for approval of that proposal within fifteen days of such disapproval or, as the case may be, lapse of six months, in such manner as may be specified by regulations.

IndiaCode

(*6*) The National Commission shall decide the appeal received under sub-section (*5*) within a period of forty-five days from the date of receipt of the appeal and in case the National Commission approves the proposal, such approval shall be the permission under sub-section (*1*) to establish a new nursing and midwifery institution or start any postgraduate course or increase number of seats, as the case may be, and in case the National Commission disapproves the proposal, or fails to give its decision within the specified period, the person concerned may prefer a second appeal to the Central Government within thirty days of communication of such disapproval or, as the case may be, after the lapse of specified period.

Explanation.—For the purposes of this section, the term "person" includes a University, trust or any other association of persons or body of individuals, but does not include the Central Government.

22. Criteria for approving or disapproving proposal.—The Nursing and Midwifery Assessment and Rating Board or, as the case may be, the National Commission, shall, while approving or disapproving a proposal under section 21, take into consideration the following criteria, namely:—

(*a*) adequacy of financial resources;

(*b*) whether adequate academic faculty and other necessary facilities have been provided to ensure proper functioning of nursing and midwifery institution or will be provided within the time-limit specified in the proposal;

(*c*) whether adequate hospital facilities have been provided or will be provided within the time-limit specified in the proposal; and

(*d*) such other factors as may be specified by regulations:

Provided that subject to the previous approval of the Central Government, the criteria may be relaxed for the nursing and midwifery institutions which are set up in such areas as may be specified by regulations.

IndiaCode

CHAPTER IV

STATE NURSING AND MIDWIFERY COMMISSIONS

23. Constitution and composition of State Nursing and Midwifery Commission.—(*1*) Every State Government shall, within one year from the commencement of this Act, by notification, constitute a State Nursing and Midwifery Commission, where no such State Commission exists in that State by a State Law, for exercising such powers and discharging such duties as may be laid down under this Act.

(*2*) The State Nursing and Midwifery Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the same name sue or be sued.

(*3*) The State Commission shall consist of the following Members, namely:—

(*a*) a person of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in nursing and midwifery from any University and having experience of not less than twenty years in the field of nursing and midwifery, out of which at least ten years shall be as a nursing and midwifery leader, to be nominated by the State Government—Chairperson;

(*b*) one Director or Additional Director or Joint Director representing nursing in the Health Department of the State Government—Member, *ex officio*:

Provided that if no such position exists in a State, the in-charge for nursing education and services may be appointed as such Member;

(*c*) two persons not below the rank of Dean or Head of the Department from any nursing or midwifery college or institute of the State Government—Members, *ex officio*;

(*d*) two persons of eminence, one from nursing and one from midwifery profession having such qualifications and experience as may be prescribed by the State Government, to be nominated by the State Government—Members;

(*e*) two persons of eminence, one from nursing and one from midwifery associates, to be nominated by the State Government having such qualifications and experience as may be prescribed by the State Government—Members;

(*f*) two persons, one from nursing and one from midwifery, representing charitable institutions engaged in education or services in connection with nursing and midwifery having such qualifications and experience as may be prescribed by the State Government, to be nominated by the State Government—Members.

(*4*) The Chairperson, and Members of the State Commission referred to in clauses (*a*), (*d*), (*e*) and (*f*) of sub-section (*3*), shall hold office for a term not exceeding four years, as the State Government may notify in this behalf, from the date on which they enter upon their office, and shall not be eligible for any extension or reappointment.

24. Functions of State Commission.—(*1*) The State Commission shall take all such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services under this Act.

(*2*) The State Commission may, for the purposes of performing its functions,—

(*a*) enforce the professional conduct, code of ethics and etiquette to be observed by the nursing and midwifery professionals including associates in the State and take disciplinary action including the removal of name of a professional from the State Register;

(*b*) ensure standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education as provided by the Autonomous Boards;

(*c*) maintain the State Registers for registered professionals;

(*d*) issue certification of specialisation or other forms of certification to those who practice the profession of nursing and midwifery;

(*e*) conduct common counselling for admission to nursing associate and midwifery associate courses regulated under this Act;

(*f*) provide for a skill based examination to ensure adequate competence of Nursing and Midwifery Associates before enrolment in the State Register;

(*g*) ensure compliance of all the directives issued by the National Commission;

(*h*) meet with Principals of all colleges of nursing and schools of nursing in the State at least once in every quarter to identify and resolve issues; and

(*i*) perform such other functions as may be entrusted to it by the State Government or Union territory Administration or the National Commission or as may be necessary for implementation of the provisions of this Act.

(*3*) Where a State Act confers power upon the State Commission to take disciplinary action in respect of any professional or ethical misconduct by a registered professional, the State Commission shall act in such manner as may be specified by regulations and the guidelines framed under this Act:

Provided that till such time as a State Commission is constituted in a State, the Nursing and Midwifery Ethics and Registration Board shall receive the complaints and grievances relating to any professional or

ethical misconduct against a registered professional in that State in accordance with such procedure as may be specified by regulations:

Provided further that the Nursing and Midwifery Ethics and Registration Board or the State Commission, as the case may be, shall give an opportunity of hearing to the registered professional concerned before taking any action, including imposition of any monetary penalty against such person.

(*4*) A registered professional or any person, who is aggrieved by any action taken by a State Commission under sub-section (*3*), may prefer an appeal to the Nursing and Midwifery Ethics and Registration Board within a period of sixty days against such action, and the Nursing and Midwifery Ethics and Registration Board shall decide on the appeal within a period of sixty days, and the decision of the Nursing and Midwifery Ethics and Registration Board thereupon shall be binding on the State Commission, unless a second appeal is preferred under sub-section (*5*).

(*5*) A registered professional or any person, who is aggrieved by the decision of the Nursing and Midwifery Ethics and Registration Board, may prefer a second appeal to the National Commission within a period of sixty days of receipt of communication of such decision and the National Commission shall dispose of such appeal within a period of ninety days from the date of that appeal.

Explanation.—For the purposes of this Act, the expressions—

(*a*) "professional or ethical misconduct" includes any act of commission or omission as may be specified by regulations; and

(*b*) "State" includes Union territory and the expressions "State Government" and "State Nursing and Midwifery Commission", in relation to a Union territory, shall respectively mean the "Central Government" and "Union Territory Nursing and Midwifery Commission".

IndiaCode

CHAPTER V

REGISTRATION

25. National Register and State Register.—(*1*) The Nursing and Midwifery Ethics and Registration Board shall maintain an online and live Indian Nurses and Midwives' Register containing the name, address, all recognised qualifications possessed by a nursing professional, midwifery professional, nursing associate, midwifery associate and such other particulars as may be specified by regulations.

(*2*) The Nursing and Midwifery Ethics and Registration Board shall maintain the National Register in such form, including digital form, and in such manner, as may be specified by regulations.

(*3*) The manner in which a name or qualification may be added to, or removed from, the National Register and the grounds for adding thereto or removal thereof, shall be such as may be specified by regulations.

(*4*) The National Register shall be a public document within the meaning of section 74 of the Indian Evidence Act, 1872 (1 of 1872).

(*5*) The Nursing and Midwifery Ethics and Registration Board shall make available the National Register to the public in the form of a digital portal accessible on the website of the Nursing and Midwifery Ethics and Registration Board in such manner and form as may be specified by regulations.

(*6*) Every State Commission shall maintain and regularly update, in digital form, the State Register for Nursing Professionals and Midwifery Professionals and the State Register for Nursing Associates and Midwifery Associates in the specified digital format and supply a physical copy of the same to the Nursing and Midwifery Ethics and Registration Board within three months of the commencement of this Act.

(*7*) The Nursing and Midwifery Ethics and Registration Board shall ensure dynamic and electronic synchronisation of the National Register and the State Registers in such a manner that any change in one register is automatically reflected in the other register.

26. Rights of persons to have licence to practice and to be enrolled in National Register or State Register for Nursing and Midwifery Professionals and their obligations thereto.—(*1*) Any person having a recognised nursing and midwifery qualification shall have his name and qualifications enrolled in the National Register or the State Register for Nursing and Midwifery Professionals, as the case may be, and shall be granted a licence to practice in such manner and following such procedures, as may be specified by regulations:

Provided that a person, who has been registered in the Nurses Register maintained under the Indian Nursing Council Act, 1947 (48 of 1947) prior to the coming into force of this Act, shall be deemed to have been registered under this Act and be enrolled in the National Register or the State Register for Nursing and Midwifery Professionals, as the case may be, maintained under this Act.

(*2*) A citizen of India, who has obtained a nursing and midwifery qualification recognised under section 29 or section 32 from a nursing and midwifery institution established in a country outside India, shall be entitled for registration under this Act in such manner as may be specified by regulations.

(*3*) When a person, whose name is entered in the National Register or any State Register, as the case may be, obtains any title, diploma or other qualification for proficiency in nursing sciences or public health nursing, which is a recognised nursing and midwifery qualification under section 28 or section 29, as the case may be, he shall be entitled to have such title, diploma or qualification entered against his name in the National Register or the same State Register, as the case may be, in such manner as may be specified by regulations.

(*4*) The registration and licence granted under this section shall be renewed in such manner as may be specified by regulations.

27. Bar to practice.—(*1*) No person, other than a person who is enrolled in the National Register or State Register, shall—

(*a*) be allowed to practice nursing or midwifery as a qualified nursing or midwifery professional or nursing or midwifery associate;

(*b*) be entitled to give evidence at any inquest or in any court of law as an expert under section 42 of the Indian Evidence Act, 1872 (1 of 1872) on any matter relating to nursing and midwifery:

Provided that a foreign citizen who is enrolled in his country as a nursing and midwifery professional in accordance with the law regulating the registration of nursing and midwifery professional in that country may be permitted temporary registration in India for such period and in such manner as may be specified by regulations.

(*2*) Any person who contravenes any of the provisions of this section shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five lakh rupees, or with both.

CHAPTER VI

RECOGNITION OF NURSING AND MIDWIFERY QUALIFICATIONS

28. Recognition of nursing and Midwifery qualifications granted by Universities or nursing and midwifery institutions in India.—(*1*) Every nursing and midwifery qualification granted by any University or nursing and midwifery institution in India shall be listed and maintained by the Nursing and Midwifery Undergraduate and Postgraduate Education Board in such manner as may be specified by regulations, and such nursing and midwifery qualification shall be a recognised nursing and midwifery qualification for the purposes of this Act.

(*2*) Every University or nursing and midwifery institution in India which conducts any course for nursing or midwifery qualification, not included in the list maintained by the Nursing and Midwifery

IndiaCode

Undergraduate and Postgraduate Education Board may apply to that Board for granting recognition to such qualification.

(*3*) The Nursing and Midwifery Undergraduate and Postgraduate Education Board shall examine the application for grant of recognition to an undergraduate or postgraduate or speciality or clinical nurse speciality or nurse practitioner course in all specialities of nursing and midwifery qualification within a period of six months, in such manner as may be specified by regulations.

(*4*) Where the Nursing and Midwifery Undergraduate and Postgraduate Education Board decides to grant recognition to a nursing and midwifery qualification, it shall include such qualification in the list maintained by it and also specify the date of effect of such recognition.

(*5*) An institution or University aggrieved by the decision under sub-section (*3*) may, within sixty days from the communication of such decision, prefer an appeal to the National Commission and the National Commission shall, within a period of sixty days from the date of filing of such appeal, pass such orders as it thinks fit, after giving an opportunity of being heard.

(*6*) Where the National Commission decides not to grant recognition to the nursing and midwifery qualification or fails to take a decision within the specified period, the University or nursing and midwifery institution concerned may prefer a second appeal to the Central Government within a period of thirty days of the communication of such decision or after the lapse of specified period, as the case may be.

(*7*) All nursing and midwifery qualifications which have been recognised before the date of commencement of this Act and are included in the Part I and Part II of the Schedule to the Indian Nursing Council Act, 1947 (48 of 1947), shall also be recognised nursing and midwifery qualifications for the purposes of this Act, and shall be listed and maintained by the Nursing and Midwifery Undergraduate and Postgraduate Education Board in such manner as may be specified by regulations.

(*8*) If any authority within a State, being recognised by the State Government in consultation with the State Commission or any autonomous body, if any, for the purpose of granting any qualification, grants a qualification which is not recognised by the National Commission, then, such authority may apply to the National Commission to have such qualification recognised, and the National Commission may declare that such qualification, or such qualification only when granted after a specified date, shall be a recognised qualification for the purposes of this Act.

(*9*) Every State Government may, for the purposes of addressing or promoting public health nursing and midwifery practice in rural areas, take necessary measures to enhance the capacity of the nursing and midwifery professionals.

29. Recognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.—(*1*) Where an authority in any country outside India, which by the law of that country is entrusted with the recognition of nursing and midwifery qualifications in that country, makes an application to the National Commission for granting recognition to such nursing and midwifery qualification in India, the National Commission may, subject to such verification as it may deem necessary, either grant or refuse to grant recognition to that nursing and midwifery qualification:

Provided that the National Commission shall give a reasonable opportunity of being heard to such authority before refusing to grant such recognition.

(*2*) The nursing and midwifery qualification, which is granted recognition by the National Commission under sub-section (*1*), shall be a recognised nursing and midwifery qualification for the purposes of this Act, and such qualification shall be listed and maintained by the National Commission in such manner as may be specified by regulations:

Provided that practice by a person possessing such qualification shall be permitted in such manner as may be specified by regulations.

(*3*) Where the National Commission refuses to grant recognition to the nursing and midwifery qualification under sub-section (*1*), the authority concerned may prefer an appeal to the Central Government against such decision within a period of thirty days of communication thereof and the Central Government shall dispose of the appeal within a period of ninety days from the date of such appeal.

(*4*) The mutual recognition of the qualifications for reciprocal registration of nursing and idwifery professionals between two countries shall be done in such manner as may be specified by regulations.

30. **Recognition of nursing and midwifery qualifications granted by statutory or other body in India.**—(*1*) The nursing and midwifery qualifications granted by any statutory or other recognised body in India before the commencement of this Act shall be recognised as nursing and midwifery qualifications in such manner as may be specified by the National Commission for the purposes of this Act.

(*2*) The Central Government may, on the recommendation of the National Commission, and having regard to the objects of this Act, by notification, add to, or, as the case may be, omit any category of nursing and midwifery qualifications granted by a statutory or other body in India and on such addition, or as the case may be, omission, the nursing and midwifery qualifications granted by such statutory or other body in India shall be, or shall cease to be, recognised nursing and midwifery qualifications for the purposes of this Act.

31. Withdrawal of recognition granted to nursing and midwifery qualification granted by nursing and midwifery institutions in India.—(*1*) Where, upon receiving the recommendations or report from the Nursing and Midwifery Assessment and Rating Board under section 19, or from a State Commission or a State Government or otherwise, if the National Commission is of the opinion that—

(*a*) the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, a University or nursing and midwifery institution do not conform to the standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board; or

(*b*) the standards and norms for infrastructure, faculty and quality of education in the nursing and midwifery institution, as determined by the Nursing and Midwifery Undergraduate and Postgraduate Education Board are not adhered to by any University or nursing and midwifery institution, and such University or nursing and midwifery institution has failed to take necessary corrective action to maintain specified minimum standards,

the National Commission may initiate action in accordance with the provisions of sub-section (*2*).

(*2*) The National Commission shall, after making such further inquiry as it deems fit, and after holding consultations with the concerned State Government and the authority of the concerned University or nursing and midwifery institution, comes to the conclusion that the recognition granted to a nursing and midwifery qualification ought to be withdrawn, it may, by order, withdraw recognition granted to such qualification and direct the Nursing and Midwifery Undergraduate and Postgraduate Education Board to amend the entries against the University or nursing and midwifery institution concerned in the list maintained by that Board to the effect that the recognition granted to such nursing and midwifery qualification is withdrawn with effect from the date specified in that order.

32. Special provision in certain cases for recognition of nursing and midwifery qualifications.— Where the National Commission deems it necessary, it may, by an order published in the Official Gazette, direct that any nursing and midwifery qualification granted by a nursing and midwifery institution in a country outside India, after such date as may be specified in that order, shall be a recognised nursing and midwifery qualification for the purposes of this Act:

Provided that before providing the recognition, the equivalence in terms of curriculum, practical training and number of years of course may be examined in such manner as may be specified by regulations:

Provided further that practice by a person possessing such qualification shall be permitted in such manner as may be specified by regulations.

33. Derecognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.— Where, after verification with the authority in any country outside India, the National Commission is of the opinion that a recognised nursing and midwifery qualification which is included in the list maintained by it is to be derecognised, it may, by order, derecognize such nursing and midwifery qualification and remove it from the list maintained by the National Commission with effect from the date of such order.

CHAPTER VII

NURSING AND MIDWIFERY ADVISORY COUNCIL

34. Nursing and Midwifery Advisory Council.—(*1*) The Central Government shall constitute an advisory body to be known as the Nursing and Midwifery Advisory Council.

(*2*) The Nursing and Midwifery Advisory Council (hereafter in this Chapter referred to as the Advisory Council) shall consist of a Chairperson and the following Members, namely:—

(*a*) the Chairperson of the National Commission shall be the *ex officio* Chairperson of the Advisory Council;

(*b*) one officer not below the rank of Joint Secretary representing Ministry of Ayush—Member, *ex officio*;

(*c*) Presidents of the three Autonomous Boards—Members, *ex officio*;

(*d*) Secretary of the National Commission—Member, *ex officio*;

(*e*) one person to represent each State and each Union territory who shall be a Dean (Nursing) or Principal of a nursing and midwifery institution in that State or Union territory, as the case may be, or the representative of the State Nursing and Midwifery Commission, to be nominated by that State Government or by the Ministry of Home Affairs, Government of India in the case of Union territory—Member;

(*f*) the Chairman, University Grants Commission—Member, *ex officio*;

(*g*) the Director, National Assessment and Accreditation Council—Member, *ex officio*;

(*h*) one representative from Indian Council of Medical Research not below the rank of Additional Director General—Member, *ex officio*;

(*i*) three Directors, one each to represent the Indian Institute of Technology, the Indian Institute of Management and the Indian Institute of Science, to be nominated by the Central Government—Members, *ex officio*;

(*j*) Head of any three national level professional nursing and midwifery association, to be nominated by the Chairperson of the Advisory Council, so that there shall be adequate representation of major stakeholders—Members.

(*3*) The Members nominated under clauses (*e*) and (*j*) of sub-section (*2*) shall hold office for a term not exceeding four years, as the Central Government may notify in this behalf, from the date on which they enter upon their office.

35. Functions of Nursing and Midwifery Advisory Council.—(*1*) The Advisory Council shall be the primary platform through which the States and Union territories may put forth their views and concerns before the National Commission and help in shaping the overall agenda, policy and action relating to nursing and midwifery education, services, raining and research.

(*2*) The Advisory Council shall advise the National Commission on measures to determine and maintain, and to co-ordinate maintenance of, the minimum standards in all matters relating to nursing and midwifery education, services, training and research.

(*3*) The Advisory Council shall advise the National Commission on measures to enhance equitable access to nursing and midwifery education, services, training and research.

36. Meetings of Nursing and Midwifery Advisory Council.—(*1*) The Advisory Council shall meet at least once a year at such time and place as may be decided by its Chairperson.

(*2*) The Chairperson of the Advisory Council shall preside over the meeting of the Advisory Council and if for any reason the Chairperson is unable to attend a meeting of the Advisory Council, such other Member as may be nominated by the Chairperson shall preside over such meeting.

(*3*) Unless the procedure is otherwise provided by regulations, two-thirds of the Members of the Advisory Council including the Chairperson shall form the quorum and all acts of the Advisory Council shall be decided by a majority of the Members present and voting.

(*4*) The Members nominated under clauses (*e*) and (*j*) of sub-section (*2*) of section 34 shall hold office for a term not exceeding four years, as may be notified by the Central Government in this behalf.

CHAPTER VIII

GRANTS, AUDIT AND ACCOUNTS

37. Grants by Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the National Commission grants of such sums of money as the Central Government may think fit.

38. National Nursing and Midwifery Commission Fund.—(*1*) There shall be constituted a fund to be called the National Nursing and Midwifery Commission Fund, which shall form part of the public account of India and there shall be credited thereto—

(*a*) all fees, penalties and charges received by the National Commission and the Autonomous Boards;

(*b*) all sums received by the National Commission from such other sources as may be decided by it.

(*2*) The Fund shall be applied for making payment towards—

(*a*) the salaries and allowances payable to the Chairperson, Secretary and Members of the National Commission, the Presidents and Members of the Autonomous Boards and the administrative expenses including the salaries and allowances payable to the officers and other employees of the National Commission and Autonomous Boards;

(*b*) the expenses incurred in carrying out the provisions of this Act, including in connection with the discharge of the functions of the National Commission and the Autonomous Boards.

39. **Audit and accounts**.—(*1*) The National Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the National Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the National Commission to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Commission shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of, and complete access to, records, books, accounts, connected vouchers and other documents and papers and to inspect the office of the National Commission.

IndiaCode

(*4*) The accounts of the National Commission as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually by the National Commission to the Central Government which shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament.

40. Furnishing of returns and reports to Central Government.—(*1*) The National Commission shall furnish to the Central Government, at such time, in such form and in such manner, as may be prescribed or as the Central Government may direct, such reports and statements, containing such particulars in regard to any matter under the jurisdiction of the National Commission, as the Central Government may, from time to time, require.

(*2*) The National Commission shall prepare, once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.

(*3*) A copy of the report received under sub-section (*2*) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

CHAPTER IX

MISCELLANEOUS

41. Power of Central Government to give directions to National Commission, Autonomous Boards and Nursing and Midwifery Advisory Council.—(*1*) Without prejudice to the provisions of this Act, the National Commission, the Autonomous Boards and the Nursing and Midwifery Advisory Council shall, in exercise of their powers and discharge of their functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to them from time to time:

Provided that the National Commission, the Autonomous Boards and the Advisory Council shall, as far as practicable, be given an opportunity to express their views before any direction is given under this sub-section.

(*2*) The decision of the Central Government whether a question is one of policy or not, shall be final.

42. Power of Central Government to give directions to State Governments.—The Central Government may give such directions, as it may deem necessary, to a State Government for carrying out all or any of the provisions of this Act and the State Government shall comply with such directions.

43. Power of National Commission to give directions to State Commissions.—The National Commission may give such directions, as it may deem necessary, to a State Commission for carrying out all or any of the provisions of this Act and the State Commission shall comply with such directions.

44. Information to be furnished by National Commission and publication thereof.—(*1*) The National Commission shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as that Government may require.

(*2*) The Central Government may publish, in such manner as it may think fit, the reports, minutes, abstracts of accounts and other information furnished to it under sub-section (*1*).

45. Obligation of Universities and nursing and midwifery institutions.—Every University and nursing and midwifery institution governed under this Act shall maintain a website at all times and display on its website all such information as may be required by the National Commission or an Autonomous Board, as the case may be.

46. Completion of courses of studies in nursing and midwifery institutions.—(*1*) Notwithstanding anything contained in this Act, any student who was studying for a degree, diploma or certificate in any nursing and midwifery institution, immediately before the commencement of this Act, shall continue to so study and complete his course for such degree, diploma or certificate, and such institution shall continue to

provide instructions and examination for such student in accordance with the syllabus and studies as existed before such commencement, and that student shall be deemed to have completed his course of study under this Act and shall be awarded degree, diploma or certificate under this Act.

(*2*) Notwithstanding anything contained in this Act, where recognition granted to a nursing institution has lapsed, whether by efflux of time or by its voluntary surrender or for any other reason, such nursing institution shall continue to maintain and provide the minimum standards required to be provided under this Act till such time as all candidates who are admitted in that nursing institution complete their study.

47. Chairperson, Members, officers of National Commission and of Autonomous Boards, to be public servants.—The Chairperson, Members, officers and other employees of the National Commission and State Commissions, and the President, Members and officers and other employees of the Autonomous Boards, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

48. Protection of action taken in good faith.— No suit, prosecution or other legal proceeding shall lie against the Government, the National Commission or any Autonomous Board or a State Commission or any committee thereof, or any officer or other employee of the Government or of the National Commission acting under this Act for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

49. Cognizance of offences.— No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made in this behalf by an officer authorised by the National Commission or the Nursing and Midwifery Ethics and Registration Board or a State Commission, as the case may be.

50. Power of Central Government to supersede National Commission.—(*1*) If, at any time, the Central Government is of the opinion that—

(*a*) the National Commission is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(*b*) the National Commission has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act,

the Central Government may, by notification, supersede the National Commission for such period, not exceeding six months, as may be specified in such notification:

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable opportunity to the National Commission to show causeas to why it should not be superseded and shall consider the explanations and objections, if any, of the National Commission.

(*2*) Upon the publication of a notification under sub-section (*1*) superseding the National Commission—

(*a*) all its Members shall, as from the date of supersession, vacate their offices as such;

(*b*) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the National Commission, shall, until the National Commission is re-constituted under sub-section (*3*), be exercised and discharged by such nursing and midwifery professionals as the Central Government may direct; and

(*c*) all property owned or controlled by the National Commission shall, until the National Commission is re-constituted under sub-section (*3*), vest in the Central Government.

(*3*) On the expiration of the period of supersession specified in the notification issued under sub-section (*1*), the Central Government may—

IndiaCode

(*a*) extend the period of supersession for such further term not exceeding six months, as it may consider necessary; or

(*b*) re-constitute the National Commission by fresh appointments and in such case the Members who vacated their offices under clause (*a*) of sub-section (*2*) shall not be deemed to be disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (*1*) or as extended under this sub-section, take action under clause (*b*) of this sub-section.

(*4*) The Central Government shall cause a notification issued under sub-section (*1*) and a full report of any action taken under this section and the circumstances leading to such action to be laid before both Houses of Parliament at the earliest opportunity.

51. Power of Central Government to make rules.—(*1*) The Central Government may, subject to the condition of previous publication, make rules for carrying out the provisions 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 qualifications and experience required for a nursing and midwifery leader under clause (*q*) of section 2;

(*b*) the six zones referred to in clauses (*h*) and (*i*) and the manner of appointing Members of the National Commission under clauses (*g*), (*h*), (*i*), (*j*), (*k*) and (*l*), of section 4;

(*c*) the manner of nominating experts by the Central Government under clauses (*b*) and (*c*) of sub-section (*1*) of section 5;

(*d*) the salary and allowances payable to, and other terms and conditions of service of the Chairperson and Members under sub-section (*5*) of section 6;

(*e*) the form and manner of making declaration under sub-section (*7*) of section 6;

(*f*) the qualifications and experience to be possessed by the Secretary of the National Commission under sub-section (*2*) of section 8;

(*g*) the salaries and allowances payable to and other terms and conditions of service of the Secretary, officers and other employees of the National Commission under sub-section (*7*) of section 8;

(*h*) the other functions of the National Commission under clause (*o*) of sub-section (*2*) of section 10;

(*i*) the manner of choosing Members under sub-section (*6*) of section 12;

(*j*) the manner of filling up of vacancies of each Autonomous Board under sub-section (*2*) of section 13;

(*k*) the salary and allowances payable to, and other terms and conditions of service of the President and Members of an Autonomous Board under sub-sections (*3*) and (*4*) of section 13;

(*l*) the form for preparing annual statement of accounts under sub-section (*1*) of section 39;

(*m*) the time within which, and the form and the manner in which, the reports and statements shall be furnished by the National Commission and the particulars with regard to any matter as may be required by the Central Government under sub-section (*1*) of section 40;

(*n*) the form and the time for preparing annual report under sub-section (*2*) of section 40;

IndiaCode

(*o*) the amount of compensation for which the employees of the erstwhile Indian Nursing Council shall be entitled under the proviso to sub-section (*5*) of section 56; and

(*p*) any other matter in respect of which provision is to be made by rules for carrying out the purposes of this Act.

52. Power to make regulations.—(*1*) The National Commission may, subject to the condition of previous publication, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

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

(*a*) the functions to be discharged by the Secretary of the National Commission under sub-section (*5*) of section 8;

(*b*) the procedure in accordance with which experts, consultants and professionals may be engaged and the number of such experts, consultants and professionals under sub-section (*8*) of section 8;

(*c*) the procedure in accordance with which and the number of experts and domain specialists are to be invited from foreign countries for meetings of the Commission under sub-section (*9*) of section 8;

(*d*) the procedure to be followed at the meetings of National Commission, including the quorum at its meetings under sub-section (*3*) of section 9;

(*e*) steps to be taken for the coordinated and integrated development of education and maintenance of the standards of delivery of services, with periodic revision under sub-section (*1*) of section 10;

(*f*) the purposes of performing its functions by the National Commission under sub-section (*2*) of section 10;

(*g*) the manner of making available and the number of experts, consultants, professionals, officers and other employees appointed including the experts and domain specialists invited from foreign countries under section 8, to the Autonomous Boards under section 15;

(*h*) the manner of determining the minimum requirements and standards of nursing and midwifery education and examination at undergraduate level and postgraduate level under clause (*a*) of sub-section (*1*) of section 18;

(*i*) the manner of developing dynamic competency based curriculum at undergraduate level and postgraduate level under clause (*b*) of sub-section (*1*) of section 18;

(*j*) prescribing qualifications at the undergraduate level and postgraduate level in nursing and midwifery and such other particulars under clause (*c*) of sub-section (*1*) of section 18;

(*k*) the standards for setting up of nursing and midwifery institutions for imparting undergraduate and postgraduate courses, having regard to the needs of the country and the global norms under clause (*d*) of sub-section (*1*) of section 18;

(*l*) the manner of determining the standards and norms for infrastructure, faculty and quality of education in nursing and midwifery institutions providing undergraduate and postgraduate nursing and midwifery education under clause (*e*) of sub-section (*1*) of section 18;

(*m*) the manner of regulating the standards and scope of practice of registered nursing and midwifery professionals, including nurse practitioners, nursing associates and midwifery associates who have obtained the nursing and midwifery qualification as provided by Nursing and Midwifery Undergraduate and Postgraduate Education Board under clause (*h*), and the manner of regulating the

IndiaCode

limited prescribing authority in consultation with the National Commission under clause (*i*), of sub-section (*1*) of section 18;

(*n*) the manner of determining the procedure for assessing and rating the nursing and midwifery institutions for their compliance with the standards laid down by the Nursing and Midwifery Undergraduate and Postgraduate Education Board under clause (*a*) of sub-section (*1*) of section 19;

(*o*) the manner of carrying out inspections of nursing and midwifery institution for assessing and rating such institutions under clause (*c*) of sub-section (*1*) of section 19;

(*p*) the time and manner of conducting, or where it deems necessary, empaneling independent rating agencies to conduct, assess and rate all nursing and midwifery institutions, within such period of their opening under clause (*d*) of sub-section (*1*) of section 19;

(*q*) the manner of making available on the website or in public domain the assessment and ratings of nursing and midwifery institutions at regular intervals, under clause (*e*) of sub-section (*1*) of section 19;

(*r*) the measures to be taken including the manner of issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the National Commission for withdrawal of recognition, against a nursing and midwifery institution for failure to maintain the minimum essential standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board under clause (*f*) of sub-section (*1*) of section 19;

(*s*) the manner of regulating professional conduct and promoting nursing and midwifery ethics under clause (*c*) of sub-section (*1*) of section 20;

(*t*) the form, particulars and fee for submitting a proposal to the Nursing and Midwifery Assessment and Rating Board for the purposes of obtaining permission under sub-section (*1*) of section 21, under sub-section (*2*) of the said section;

(*u*) the manner of preferring appeal to the National Commission under sub-section (*5*) of section 21;

(*v*) other factors to be taken into consideration by the Nursing and Midwifery Assessment and Rating Board or, as the case may be, the National Commission while approving or disapproving a proposal under section 22, and the nursing and midwifery institutions set up in such areas which are eligible for relaxation of the criteria under the said section;

(*w*) the manner of taking disciplinary actions by the State Commission in respect of any professional or ethical misconduct by a registered professional under sub-section (*3*) of section 24;

(*x*) the manner of receiving the complaints and grievances relating to any professional or ethical misconduct against a registered professional in a State by the Nursing and Midwifery Ethics and Registration Board under the first proviso to sub-section (*3*) of section 24;

(*y*) the acts of commission or omission which would amount to professional or ethical misconduct under the *Explanation* to section 24;

(*z*) such other particulars to be specified in the online and live National Register maintained by the Nursing and Midwifery Ethics and Registration Board under sub-section (*1*) of section 25;

(*za*) the form and manner in which the National Register is to be maintained under sub-section (*2*) of section 25;

(*zb*) the manner in which a name or qualification may be added to, or removed from, the National Register and the grounds for adding thereto or removal thereof under sub-section (*3*) of section 25;

(*zc*) the form and manner in which the National Register shall be made available to the public by placing it on the website of the Nursing and Midwifery Ethics and Registration Board under sub-section (*5*) of section 25;

(*zd*) the manner of granting a registration as nursing and midwifery professional to a person who has obtained a recognised nursing and midwifery qualification and getting his name and qualifications enrolled in the National Register or the State Register for Nursing and Midwifery Professionals under sub-section (*1*) of section 26;

(*ze*) the manner of getting entered the title, diploma or qualification against his name in the National Register or the State Register under sub-section (*3*) of section 26;

(*zf*) the manner of renewal of registration under sub-section (*4*) of section 26;

(*zg*) the period and manner in which a foreign citizen may be permitted temporary registration in India under the proviso to sub-section (*1*) of section 27;

(*zh*) the manner of listing and maintaining nursing and midwifery qualification granted by any University or nursing and midwifery institution in India by the Nursing and Midwifery Undergraduate and Postgraduate Education Board under sub-section (*1*) of section 28;

(*zi*) the manner of listing and maintaining nursing and midwifery qualification granted by any University or nursing and midwifery institution in India by the Nursing and Midwifery Undergraduate and Postgraduate Education Board under sub-section (*2*) of section 28;

(*zj*) the manner of examining the application for grant of recognition to an undergraduate or postgraduate or speciality or clinical nurse speciality or nurse practitioner course in all specialities of nursing and midwifery qualification under sub-section (*3*) of section 28;

(*zk*) the manner of listing and maintaining all nursing and midwifery qualifications which have been recognised before the date of commencement of this Act and are included in the Part I and Part II of the Schedule to the Indian Nursing Council Act, 1947 under sub-section (*7*) of section 28;

(*zl*) the manner of listing and maintaining the nursing and midwifery qualification, which is granted recognition by the National Commission and the manner of practice by a person possessing such qualification under sub-section (*2*) of section 29;

(*zm*) the manner of mutual recognition of the qualifications for reciprocal registration of nursing and midwifery professionals between two countries under sub-section (*4*) of section 29;

(*zn*) the manner of examining the equivalence in terms of curriculum, practical.

(*zo*) the manner in which a person possessing necessary qualification shall be permitted to practice under the second proviso to section 32;

(*zp*) the procedure to be followed at the meetings of Nursing and Midwifery Advisory Council under sub-section (*3*) of section 36; and

(*zq*) any other matter in respect of which provision is to be made by regulations for carrying out the purposes of this Act.

53. Power of State Government to make rules.—(*1*) The State Government may, by notification, make rules for carrying out the provisions of section 23 and sub-section (*9*) of section 28.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the qualifications and experience to be possessed by members to be nominated in the State Nursing and Midwifery Commission under clauses (*d*), (*e*) and (*f*) of sub-section (*3*) of section 23.

(*3*) Every rule made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.

54. Laying of rules, regulations and notifications before Parliament.—Every rule and regulation made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification; both Houses agree that the rule or regulation or notification should not be made or issued, the rule or regulation or notification 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 that rule or regulation or notification.

55. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary, for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

56. Repeal and saving.—(*1*) With effect from such date as the Central Government may appoint in this behalf, the Indian Nursing Council Act, 1947 (48 of 1947), shall stand repealed and the Indian Nursing Council constituted under sub-section (*1*) of section 3 of the said Act shall stand dissolved.

(*2*) Notwithstanding the repeal of the Act referred to in sub-section (*1*), it shall not affect,—

(*a*) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(*c*) any penalty incurred in respect of any contravention under the Act so repealed; or

(*d*) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Act had not been repealed.

(*3*) On the dissolution of the Indian Nursing Council, the person appointed as the President and every other person appointed as the Member of the Indian Nursing Council shall vacate their respective offices and such President and other Members shall be entitled to claim compensation, fees and allowances for the premature termination of term of their office for a period not exceeding ninety days.

(*4*) Every officer who has been appointed on deputation basis in the Indian Nursing Council shall, on its dissolution, stand reverted to his parent cadre, Ministry or Department, as the case may be.

(*5*) The services of other employees who have been, before the dissolution of the Indian Nursing Council, employed on regular basis by the Indian Nursing Council, shall continue for no longer than one year after the enactment of this Act, as an interim arrangement and thereafter, further continuity or otherwise of their services shall be determined by the National Commission on the basis of their performance appraisal or evaluation:

Provided that such employees of the erstwhile Indian Nursing Council shall be entitled to compensation which shall not be less than three months' pay and allowances, as may be prescribed.

(*6*) Notwithstanding the repeal of the Indian Nursing Council Act, 1947 (48 of 1947), any order made, any licence to practice issued, any registration made, any permission to start a new nursing college or institution, or to start higher course of studies, or for increase in the admission capacity granted, or any

recognition of nursing qualifications granted, under the said Act, which are in force as on the date of commencement of this Act, shall continue to be in force till the date of their expiry for all purposes, as if they had been issued or granted under the provisions of this Act or the rules or regulations made thereunder.

57. Transitory provisions.—(*1*) The National Commission shall be the successor in interest to the Indian Nursing Council including its subsidiaries or owned trusts and all the assets and liabilities of the Indian Nursing Council shall be deemed to have been transferred to the National Commission.

(*2*) Notwithstanding the repeal of the Indian Nursing Council Act, 1947 (48 of 1947), the educational standards, requirements and other provisions of the said Act and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made thereunder:

Provided that anything done, or any action taken, as regards the educational standards and requirements under the enactment under repeal and the rules and regulations made thereunder, shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act.

IndiaCode

STATEMENT OF OBJECTS AND REASONS

The Indian Nursing Council Act, 1947 was enacted to constitute the Indian Nursing Council in order to establish a uniform standard of training for nurses, midwives and health visitors. Though the said Act was enacted to provide a solid foundation for the growth of nursing education, it has not kept pace with time. Since 1947, the said Act has undergone minimal amendments which have enabled limited growth of the profession.

2. Nurses, who comprise the greatest number of healthcare providers, are the backbone of health systems. A flexible and well-functioning legislative framework underlying nursing and midwifery education is essential for redefining the role and scope of nurses and for providing distinct recognition to midwives in the country.

3. The Department-related Parliamentary Standing Committee on Health and Family Welfare, in its One Hundred Ninth Report on the National Medical Commission Bill, 2017, had recommended that the Department should explore the possibility of restructuring and revamping the Dental Council of India, the Indian Nursing Council and other such Councils so that there is effective regulation of their education and practice.

4. In pursuance of the said recommendation, a draft National Nursing and Midwifery Commission Bill was prepared and a seven-member Expert Committee was constituted by the Government in July, 2020, to examine the same. The Expert Committee, after in-depth examination, gave its report in August, 2020, recommending for establishment of a National Nursing and Midwifery Commission in place of the existing Indian Nursing Council. Based on the recommendations of the Expert Committee, and after extensive consultations and deliberations with NITI Aayog, the general public, State Governments, State Councils, professional associations and other relevant stakeholders, the Government proposes to establish a National Nursing and Midwifery Commission in the place of the existing Indian Nursing Council by the proposed legislation. The proposed legislation would bring in nursing and midwifery professionals of the highest stature and calibre though a fair, transparent and qualitative process.

5. Accordingly, it is proposed to introduce the National Nursing and Midwifery Commission Bill, 2023, which, *inter alia*, seeks to provide for—

(*a*) constitution of a National Nursing and Midwifery Commission for development and regulation of all aspects relating to nursing and midwifery education, institution and profession, and a Nursing and Midwifery Advisory Council to advise and make recommendations to the National Commission;

(*b*) constitution of three Autonomous Boards, namely,—

(*i*) the Nursing and Midwifery Undergraduate and Postgraduate Education Board, to regulate nursing and midwifery education and examination at undergraduate level and postgraduate level and to determine standards thereof;

(*ii*) the Nursing and Midwifery Assessment and Rating Board, to carry out inspections and to assess and rate the nursing and midwifery institutions; and

(*iii*) the Nursing and Midwifery Ethics and Registration Board, to regulate professional conduct and promote nursing and midwifery ethics amongst all registered professionals and to maintain a national register of nursing professionals, midwifery professionals, nursing associates and midwifery associates; 31

(*c*) a uniform mechanism for admission into nursing and midwifery institutions at undergraduate and postgraduate level;

(*d*) a mechanism, either through a final year undergraduate examination or otherwise, for enrolment in the National Register or the State Register, as the case may be, and for granting license to practice as a nursing and midwifery professional;

(*e*) permission for establishment of new nursing and midwifery institution, for starting postgraduate or higher qualification course and to increase number of seats to be obtained by nursing and midwifery institutions;

(*f*) recognition of nursing and midwifery qualifications granted by Universities and nursing and midwifery institutions in India and outside India, and also for recognition of nursing and midwifery qualifications granted by statutory and other bodies in India;

(*g*) maintenance of an online and live National Register containing the name, address, all recognised qualifications possessed by a nursing professional, midwifery professional, nursing associate and midwifery associates;

(*h*) constitution of a National Nursing and Midwifery Commission Fund for crediting all fees, penalties and charges received by the National Commission and the Autonomous Boards;

(*i*) repeal of the Indian Nursing Council Act, 1947 and for dissolution of the Indian Nursing Council by providing that on such dissolution,—

(*i*) the President and Members of the said Council shall be deemed to have vacated their respective offices and shall be entitled to compensation not exceeding three months' pay and allowances;

(*ii*) the other employees employed on regular basis by the said Council shall continue their services for no longer than one year as an interim arrangement, and thereafter, further continuity shall be determined by the National Commission on the basis of their performance appraisal or evaluation.

6. The Bill seeks to achieve the above objectives.

IndiaCode

NEW DELHI;
The 28*th March*, 2023.

DR. MANSUKH MANDAVIYA.