

DELHI NURSING HOMES REGISTRATION ACT, 1953

(Delhi Act No.6 of 1953)

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An act to provide for the registration and inspection of Nursing homes in the state of Delhi and for certain purpose connected therewith.

Be it enacted as follows:-

1. Short title, extent and commencement

(1) This Act may be called the Delhi Nursing Homes Registration Act, 1953.

(2) It extends to the whole of the union territory of Delhi.

(3) It shall come into force on such date as the Chief Commissioner may by notification in the official Gazetted appoint.

2. Definitions

In this act, unless the context otherwise requires.

(i) 'Chief Commissioner' means the Chief Commissioner of the Union Territory of Delhi.

(ii) 'Local Authority' means a municipal committee, district board or other authority legally entitled to or entrusted by the Government with the control of management of a municipal or local fund;

(iii) 'Maternity Home ' means any premises used or intended to be used for the reception of pregnant women or of women in or immediately after child birth;

(iv) 'Nursing Home means any premises used or intended to be used for the reception of persons suffering from any sickness injury or infirmity and the providing of treatment and nursing for them and includes a maternity home, and the expression 'carry on nursing home means to receive persons in a nursing home for, any of the aforesaid purposes and to provide treatment or nursing for them.

(v) "Prescribed" means prescribed by rules made under this act.

(v)'qualified medical practitioner' means a medical practitioner registered in any state or Union Territory in India under a law for the registration of medical practitioners :

(vi) 'qualified midwife' means a midwife registered in any state or Union Territory in India under a law for the registration of midwives;

(vii) 'qualified nurse' means a nurse registered in any state or Union Territory in India under a law for the registration of nurses;

(viii) 'register' means to register under section 5 of this Act and the expression 'registered' and registration ' shall be construed accordingly;

(ix) 'rules means rules made under this Act;

(x) 'Supervising authority' means the person or authority appointed by the Chief Commissioner, by notification in the Official Gazette,

(xi) to perform all or any of the functions of the supervising authority under this Act.

3. Prohibition to carry on nursing home without registration

No person shall carry on a nursing home unless he has been duly registered in respect of such nursing home and the registration in respect has not been cancelled under section 7.

Provided that nothing in. this section shall apply in the case of a nursing home which is in existence at the date of the commencement of this Act, for a period of three months from such date or if an application for registration is made within that period in accordance with the provisions of section 4 until such application is finally disposed of.

4. Application for registration

(1) Every person intending to carry on a nursing home shall make every year an application for registration of the renewal of registration to the supervising authority.

Provided, that in the case of a nursing home which is in existence at the date of the commencement of this Act an application for registration shall be made within three months from such date.

(2) Every application for registration or the renewal of registration shall be made on such date and in such form and shall be accompanied by such fee, as may be prescribed.

5. Registration

(1) subject to the provisions of this Act and the rules, the supervising authority shall on the receipt of an application for registration, register the applicant in respect of the nursing home named in the application and issue to him a certificate of registration the prescribed form;

Provided that the supervising authority may refuse to register the applicant if it is satisfied:-

(a) That the applicant, or any person employed by him at the nursing home, is not a fit person to carry in or to be employed at a nursing home of such a description as the nursing home named in the application; or

(b) That the nursing home is not under the supervision of a person who is a qualified medical practitioner and he or a qualified nurse is not resident in the home, or that there is not a proper proportion of qualified nurses among the persons having the superintendence of or employed in the nursing of the patients in the home; or

(c) That in the case of a maternity home it has not got its staff a qualified midwife and a qualified medical practitioner; or

(d) That for reasons connected with the situation, construction, accommodation, staff of equipment, the nursing home or any premises used in connection therewith is or are not fit to be used for a nursing home of such a description as the nursing home mentioned in the application or that the nursing home or premises is or are used or to be used for purposes which are in any way improper or undesirable in the case of such nursing home.

{2) A certificate of registration issued under the section shall, subject to the provisions of section 7, be in force and shall be valid until the 31st day of March next following the date on which such certificate was issued.

(3) The certificate of registration issued in respect of "a nursing home" shall be kept affixed in a conspicuous place in the nursing home.

6. Penalty for non-registration

whoever contravenes the provisions of section 3 shall, on conviction, be punished with fine which may extend to five hundred rupees, or in case of, a second or subsequent offence, with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

7. Cancellation of registration

Subject to the Provision of this Act, the supervising authority may at any time cancel the registration of a person in respect of an nursing home on any ground which would entitle it to refuse an application for the registration of a person in respect of that home, or on the ground that the person has been convicted of an offence, under this Act or that any other person has been convicted of such an offence in respect of that home.

8. Notice of refusal or of cancellation of registration:

(1) Before making an order refusing an application for registration or an order cancelling any registration, the supervising authority shall give to the applicant or to the person registered, as the case may be, not less than one" calendar months notice of its intention to make such an order; and every such notice shall state the grounds on which the supervising authority intends to make the order and shall contain an intimation that if within a calendar month after the receipt of the notice the applicant or person registered informs the authority in writing that he desires so to do, the supervising authority shall, before making the order give him (in person or by a representative) an opportunity of showing cause why the order, should not be made.

(2) If the supervising authority after giving the applicant or the person registered an opportunity of showing cause as aforesaid, decides to refuse the application for registration or to cancel the

registration, as the case may be, it shall make an order to that effect and shall send a copy of the order by registered post to the applicant or the person registered.

(3) Any person aggrieved by an order refusing an application for registration or cancelling any registration may, within a calendar month after the date on which the copy of the order was sent to him appeal to the Chief Commissioner against such order of refusal. The decision of the Chief Commissioner on any such appeal shall be final.

(4) No such order shall come into force until after the expiration of a calendar month from the date on which it was made or, where notice of appeal is given against it, until the appeal has been decided or withdrawn.

9. Inspection of nursing Home-

(1) The supervising authority or any officer empowered by it in this behalf may, subject to such general or special orders as may be made by the Chief Commissioner, enter and inspect any premises which are used or which the supervising authority or the officer empowered by, it has reasonable cause to believe to be used, for the purpose of nursing home, and inspect any records required to be kept in accordance with the provisions of this Act.

(2) If any person refuses to allow the supervising authority or the officer empowered by it to enter or inspect any such premises as aforesaid or to inspect any such records as aforesaid or obstructs the supervising authority or the officers empowered by it in the execution of the powers under this section, he shall be guilty of an offence, under this Act.

10. Credit of fee and fines

Any fees received or fines paid under this Act shall be credited to the Consolidated Fund of the state.

11. Expenses of Supervising authority

All expenses incurred by the supervising authority under and for the purpose of this act and the rules made there under may be paid out of the consolidated Fund of the State.

12. Penalty for offences under the Act

Whoever contravenes any of the provisions of this Act or of any rules shall, if no other penalty, is elsewhere provided in this act or the rules for such contravention, on conviction, be punished with fine which may extend to hundred rupees and in the case of continuing offence to a further fine of 25 rupees in respect of each day on which the offence continues after such conviction.

13. Offences by Corporations

If the person contravening any of the provisions of this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the Company, as well as the company shall, be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this section shall render any such person liable to any punishment provided, in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

14. Court competent to try offences under this Act

No court inferior to that of a Magistrate of the first class shall try any offence punish under the Act.

15. Protection of action taken in good faith

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

16. Power to make rules

(1) The Chief Commissioner may, by notification in the official Gazette, make rules to carry out all or any of the purposes of this Act.

(2) Without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters namely:-

a) The form of the application to be made under section 4, the date on which such application is to be made and the fees to be paid for such registration or renewal of registration;

b) the form of the certificate of registration to be issued under section 5;

c) the records to be kept of the patients received into a nursing home, and in the case of the maternity home of miscarriages, abortions or still births occurring in the nursing home and of the children born therein and of the children so born who are removed from the home otherwise than to the custody or care of any parent, guardian or relative.

d) The notification required to be given of any death occurring in the nursing home;

e) The power to make rules under this section shall be subject to the condition of previous publication in the official gazette.

(17) Savings

Nothing in this Act shall apply to -

(i) any nursing home carried on by Government or a authority; and

(ii) any asylum for lunatics or patients suffering from mental diseases, within the meaning of the Indian Lunacy Act (IV of 1912).