

L. A. BILL No. XI OF 2021.

A BILL

further to amend the Maharashtra Nurses Act, 1966.

(As passed by the Legislative Assembly on the 5th July, 2021)

Mah. XL 5
of 1966.

WHEREAS it is expedient further to amend the Maharashtra Nurses Act, 1966, for the purposes hereinafter appearing ; it is hereby enacted in the Seventy-second Year of the Republic of India as follows :—

(G.C.P.) HB 484—1 (340—7-2021)

Short title
and
commence-
ment.

1. (1) This Act may be called the Maharashtra Nurses (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 19th December 2020.

Amendment
of section 40
of Mah. XL
1966.

2. In section 40 of the Maharashtra Nurses Act, 1966, after sub-section (3), the following proviso shall be added, namely :— 5 Mah. XL
of 1966.

“Provided that, if the Council cannot be constituted within the period of extension provided under this sub-section due to the outbreak of COVID-19 pandemic in the State, the State Government may extend the period of appointment of the administrator for a further period of 10 one year but which shall not exceed three years in the aggregate.”

Validation of
acts and
things done by
administrator.

3. All acts and things done and all steps taken by the administrator after the expiry of the extended term of appointment under sub-section (3) of section 40 of the Maharashtra Nurses Act, 1966, till the date of publication of this Act in the *Official Gazette*, shall be deemed to have been validly done or 15 taken as if his term of appointment has not so expired; and the same shall not be called in question in any court of law or no suit or other proceedings shall be instituted or maintainable against such person or the Maharashtra Nursing Council on the sole ground that the exercise of the powers, performance of duties and discharge of functions by such administrator under 20 the said Act during such period, was without any legal authority.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Nurses Act, 1966 (Mah. XL of 1966) is enacted to unify and make better provisions for regulating the registration and training of nurses in the State of Maharashtra. Section 3 of the said Act provides for constitution and incorporation of the Maharashtra Nursing Council for the purposes of the Act consisting of certain *ex officio* members, elected members and nominated members as specified therein.

2. Sub-section (3) of section 40 of the said Act was added by the Maharashtra Nurses (Amendment) Act, 2018 (Mah. XXXIII of 2018), which provides that, notwithstanding anything contained in the said Act, if for any reasons the Council cannot be constituted after expiry of the term of Members including President and Vice-President as specified in sub-section (2) of section 4 or after expiry of period of extension granted under the first proviso to the said sub-section (2) of section 4, as the case may be, the State Government may appoint an administrator or Board of administrators for exercising all the powers and performing duties and discharging the functions conferred and imposed upon the Council by or under the said Act, initially for a period not exceeding one year and thereafter for such further period or periods so that the total period shall not exceed two years in the aggregate.

Under the said sub-section (3), the State Government has, *vide* the Government Resolution, Medical Education and Drugs Department, No. न्यायप्र-२०११/प्र.क्र.९२/अधिनियम, dated the 19th December 2018, appointed the then Joint Director and Presently In-charge Director of Medical Education and Research as an administrator for exercising all the powers and performing duties and discharging the functions conferred and imposed upon the Council by or under the said Act.

Due to implementation of the model code of conduct for the elections to the Parliament and Maharashtra State Legislature, reorganization of the said Council by the Maharashtra Nurses (Amendment) Act, 2020 (Mah. XIII of 2020), the lockdown caused by Covid-19 pandemic from March 2020 and the appointment of the Director of Medical Education and Research, who was also acting as an Administrator of the said Council, as a Competent Authority under the provision of the Epidemic Diseases Act, 1897 (3 of 1897), for the purposes of control of Covid-19 pandemic, by the Government Notification, Public Health Department, dated the 14th March 2020, the elections of the Council could not be conducted in time.

There is no provision in said Act, enabling the State Government to extend the period of administrator or Board of administrators appointed under sub-section (3) of the said section 40 beyond two years, if the Council could not be constituted during the two years tenure of administrator or Board of administrators.

3. It is, therefore, considered expedient to add proviso to sub-section (3) of section 40, providing that, if the Council cannot be constituted within the period of extension provided under the said sub-section due to the outbreak of COVID-19 pandemic in the State, the State Government may extend the period of appointment of the administrator for a further period of one year but which shall not exceed three years in the aggregate.

4. It is also proposed to validate all acts or things done and steps taken by the person so appointed as the administrator during the period from the date of the expiry of the extended term of appointment under sub-section (3) of section 40 of the said Act till the date of publication of the proposed Act in the *Official Gazette*.

5. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 30th June, 2021.

AMIT DESHMUKH,
Minister for Medical Education.

*ANNEXURE TO THE L.A. BILL No. XI OF 2021-THE MAHARASHTRA
NURSES (AMENDMENT) BILL, 2021.*

[Extracts from the Maharashtra Nurses Act, 1966.]

(Mah. XL of 1966)

1. to 39. * * * *

40. (1) and (2) * * * *

Control of State
Government.

(3) Notwithstanding anything contained in this Act, if for any reasons the Council cannot be constituted after expiry of the term of Members including President and Vice-President as specified in sub-section (2) of section 4 or after expiry of period of extension granted under the first proviso the said sub-section (2) of section 4, as the case may be, the Government may appoint an administrator or Board of administrators for exercising all the powers and performing duties and discharging the functions conferred and imposed upon the Council by or under this Act, initially for a period not exceeding one year and thereafter for such further period or periods so that the total period shall not exceed two years in the aggregate

41. to 45. * * * *

SCHEDULES * * * *

**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XI OF 2021.]

**[A Bill further to amend the Maharashtra
Nurses Act, 1966.]**

**[SHRI AMIT DESHMUKH,
Medical Education Minister.]**

**[As passed by the Legislative Assembly
on the 5th July, 2021.]**

**RAJENDRA BHAGWAT,
Secretary,
Maharashtra Legislative Assembly.**