

THE BANGLADESH NURSING COUNCIL ORDINANCE, 1983

(ORDINANCE NO. LXI OF 1983).

[5th October, 1983]

An Ordinance to constitute a Nursing Council.

WHEREAS it is expedient to constitute a Nursing Council and to provide for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

- Short title** 1. This Ordinance may be called the [Bangladesh Nursing Council Ordinance](#), 1983.
- Definitions** 2. In this Ordinance, unless there is anything repugnant in the subject or context,-
- (a) "Council" means the Bangladesh Nursing Council constituted under this Ordinance;
 - (b) "member" means a member of the Council;
 - (c) "nursing and allied qualification" means any of the qualifications specified in the Schedules;
 - (d) "prescribed" means prescribed by regulations made under this Ordinance;
 - (e) "President" means the President of the Council;
 - (f) "Schedule" means a Schedule annexed to this Ordinance.
- Constitution of Bangladesh Nursing Council** 3. (1) There shall be constituted in accordance with the provisions of this Ordinance a Council to be known as the Bangladesh Nursing Council for the purposes of this Ordinance.
- (2) The Council shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

Composition of the Council

4. (1) The Council shall consist of the following members, namely:-

- (a) Secretary, Ministry of Health and Population Control, ex-officio;
- (b) Director-General of Health Services, ex-officio;
- (c) Director-General of Family Planning and Population Control, ex-officio;
- (d) Director-General of Medical Services (Armed Forces) or a person nominated by him;
- (e) Director, Medical Education and Hospital, ex-officio;
- (f) Director of Nursing Services, ex-officio;
- (g) Principal, College of Nursing, ex-officio;
- (h) one member to be nominated by the Government from among the Principals of Medical Colleges;
- (i) one member to be nominated by the Government from among the Superintendents of Medical College Hospitals;
- (j) one member to be nominated by the Ministry of Social Welfare and Women Affairs from among its officers;
- (k) one member to be nominated by the Ministry of Labour and Manpower from among its officers;
- (l) one member to be nominated by the Health Division from among its officers not below the rank of Deputy Secretary;
- (m) one member to be nominated by the Director of Nursing Services from among the Deputy Directors of Nursing Services;
- (n) two members to be nominated by the Director of Nursing Services from among Matrons;
- (o) one member to be nominated by the Government from among the members of the teaching staff of the Medical Assistant Training Institute;
- (p) one member to be nominated by the Bangladesh Medical and Dental Council from among its members;
- (q) one member to be nominated by the Bangladesh Nursing Association from among its members;
- (r) two members to be nominated by the Director of Nursing Services from among the members of teaching staff of Nursing Institutions;
- (s) three members to be nominated by the Government from among the members of Nursing Profession;
- (t) one member to be nominated by the Government from among the prominent lady educationists;
- (u) one member to be nominated by the Government from among the lady social workers.

(2) The Council shall elect from among its members a President, a Vice-President, a Treasurer and a Secretary:

Provided that the Secretary, Ministry of Health and Population Control, shall be the first President of the Council.

(3) No act or proceeding of the Council shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Council.

Terms of office

5. (1) The President, the Vice-President, the Treasurer and the Secretary shall, subject to their continuing to be members of the Council, hold office for a term of three years from the date of their election.

(2) A nominated member shall, unless removed earlier by his nominating authority, hold office for a term of three years from the date of his nomination.

(3) Where a person is nominated to be a member by virtue of his holding an office or appointment or of his being a member of any organisation or profession, he shall cease to be such member when he ceases to hold that office or appointment or be such member.

(4) A nominated member may at any time resign his office by writing under his hand addressed to the President:

Provided that no such resignation shall take effect until it has been accepted by the President.

Meetings of the Council

6. (1) Save as hereinafter provided, the Council shall follow such procedure as may be prescribed.

(2) The meetings of the Council shall be held on such date and at such time and place as may be determined by the President:

Provided that at least two meetings shall be held in each year.

(3) One-third of the total number of members shall form a quorum.

(4) All questions at a meeting of the Council shall be decided by a majority of the members present and voting, and in the case of equality of votes, the person presiding shall have a second or casting vote.

Officers and employees

7. The Council shall appoint a Registrar and such other officers and employees, as it deems fit for the efficient performance of its functions on such terms and conditions as may be prescribed.

Executive Committee

8. (1) There shall be an Executive Committee of the Council consisting of-

(a) the President, who shall also be its Chairman;

(b) the Vice-President, who shall also be its Vice-Chairman;

(c) five members to be elected by the Council from amongst its members.

(2) The Executive Committee shall perform such functions as may be

assigned to it by the Council or as may be prescribed.

(3) A member of the Executive Committee shall, subject to his continuing to be a member, hold office for a term of three years.

(4) The Executive Committee shall follow such procedure as may be prescribed.

Recognition of nursing and allied qualifications

9. (1) The Nursing and allied qualifications specified in the Schedules granted by the Institutions mentioned therein shall be recognised nursing and allied qualifications for the purposes of this Ordinance.

(2) Any Institution which grants any nursing or allied qualification not included in any of the Schedules may apply to the Council to have such qualification recognised, and the Council may, after due consideration of the application, either recognise such qualification or refuse recognition of such qualification, and if it recognises such qualification it shall, by notification in the official Gazette, amend the Schedule concerned so as to include such qualification therein.

(3) The Council may, if it deems fit, recognise any nursing or allied qualification granted by any institution outside Bangladesh, and on such recognition such qualification shall be deemed to be recognised nursing or allied qualification for the purpose of this Ordinance.

Power of the Council to certify certain persons to be possessed of sufficient nursing and allied qualification

10. If the Council is satisfied that a person is, by reason of qualifications granted by any institution outside Bangladesh and of experience gained in any part of Bangladesh, possessed of qualifications which entitle him to be recognised as possessed of sufficient nursing or allied qualifications for the purposes of this Ordinance, it may certify that the person is possessed of such qualifications and, on such certification by the Council, the person shall be deemed to be possessed of qualifications which are recognised nursing or allied qualifications for the purposes of this Ordinance for such period and upon such conditions as may be specified by the Council in this behalf.

Power to require information as to courses of study and examinations

11. Every Institution in Bangladesh which trains for or grants any nursing or allied qualification specified in the Schedules shall furnish such information as the Council may, from time to time, require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the minimum age at which such courses of study can be undertaken on admission in the Institution concerned, examinations required to be undergone prior to such qualification being conferred, and generally as to the requisites for obtaining such qualification.

Inspection of examinations

12. (1) The Executive Committee shall appoint such number of Inspectors as it may deem requisite to attend at any or all of the examinations held

by any Institution in Bangladesh for the purpose of granting recognised nursing or allied qualifications or in respect of which recognition has been sought.

(2) Inspectors appointed under this section shall not interfere with the conduct of any examination but they shall report to the Executive Committee on the sufficiency of every examination which they attend and on the courses of study and facilities for teaching provided by the Institution in question at different stages in respect of such examination, and on any other matter in regard to which the Executive Committee may require them to report.

(3) The Executive Committee shall forward a copy of any such report to the Institution concerned, and shall also forward a copy with the remarks of such Institution thereon to the Government.

Withdrawal of recognition

13. (1) When, upon report by the Executive Committee, it appears to the Council that the courses of study and examinations to be gone through in any Institution in Bangladesh in order to obtain a recognised nursing or allied qualification or that the standards of proficiency required from candidates at any examination held for the purpose of granting such qualification are not such as to secure to persons holding such qualification the knowledge and skill requisite for the efficient practice of nursing or allied profession, the Council shall forward the report, along with such remarks as it may choose to make, to the Institution with an intimation of the period within which the Institution may submit its explanation to the Council.

(2) On the receipt of the explanation or, where no explanation is submitted within the period fixed, on the expiry of that period, the Council may, after making such further inquiry, if any, as it may think fit, by notification in the official Gazette, direct that an entry shall be made in the Schedule against the said nursing or allied qualification declaring that it shall not be a recognised nursing or allied qualification from a specified date.

Maintenance of nursing and allied register

14. (1) The Council shall maintain in such manner as may be prescribed, separate registers for nurses, midwives, health visitors, family welfare visitors, junior nurses and others possessing recognised nursing or allied qualifications.

(2) The registers maintained under this section shall be deemed to be public documents within the meaning of the [Evidence Act](#), 1872 (I of 1872).

Removal of names from the register

15. (1) The Council may refuse registration of any person or direct the removal altogether or for a specified period from the register of the name

of any nurse or other person who has been convicted of any such offence as implies, in the opinion of the Council, a defect of character or who, after any inquiry at which opportunity has been given to such person to be heard in person, has been held by the Council guilty of infamous conduct in any professional respect or who has shown himself to be unfit to continue in profession on account of mental ill-health or other grounds.

(2) The Council may, if it so deems fit, restore in the register the name of any person removed therefrom under sub-section (1).

(3) For the purpose of an inquiry under sub-section (1), the Council shall be deemed to be a Court within the meaning of the [Evidence Act, 1872](#) (I of 1872), and shall exercise all the powers of a Commissioner appointed under the [Public Servants \(Inquiries\) Act, 1850](#) (XXXVII of 1850).

Appeals

16. (1) Where the Council has refused recognition of any nursing or allied qualification under section 9(2), or has withdrawn such recognition under section 13 or has refused registration of any person or removed from the register the name of any person under section 15, it shall inform the Institution or the person concerned in writing of such refusal, withdrawal or removal.

(2) Any Institution or person aggrieved by an order of refusal, withdrawal or removal mentioned in sub-section (1) may, within sixty days from the date of receipt of information regarding such refusal, withdrawal or removal, prefer an appeal to the Government and the decision of the Government on such appeal shall be final.

Penalty for fraudulent representation or registration

17. Whoever wilfully procures or attempts to procure his registration under this Ordinance by making or causing to be made any false or fraudulent representation or declaration, either orally or in writing, or whoever abets processing of such registration or, whoever falsely pretends to be registered under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

Indemnity

18. No suit, prosecution or other legal proceeding shall lie against the Council or the Executive Committee, or any officer or other employee of the Council for anything which is in good faith done or intended to be done under this Ordinance.

Power to make regulations

19. (1) The Council may, with the previous approval of the Government, make regulations to carry out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for-

(a) the management of the property of the Council and the maintenance and audit of its accounts;

- (b) the summoning and holding of meetings of the Council and of the Executive Committee and the conduct of business thereat;
- (c) the powers and duties of the President and Vice-President;
- (d) the terms and conditions of service of the Registrar and other officers and employees of the Council;
- (e) the powers and duties of the Registrar and other officers and employees of the Council;
- (f) the powers and duties of Inspectors and procedure of inspection;
- (g) the procedure for maintenance, compilation and publication of the register, list of the holders of nursing and allied qualifications and the fees to be charged for registration;
- (h) the procedure of an enquiry held under section 15;
- (i) prescribing a uniform minimum standard of courses of training for obtaining basic or post basic nursing and allied qualifications to be included in any of the Schedules, and the duration of, and the conditions for admission to, such courses;
- (j) prescribing the minimum qualification and experience required of teachers for appointment in nursing and allied Institutions;
- (k) prescribing the standards of examinations, methods of conducting the examinations and other requirements to be satisfied for securing recognition of nursing or allied qualifications under this Ordinance;
- (l) prescribing the qualifications and experience required of examiners for professional examinations in nursing and allied profession antecedent to the granting of recognised nursing and allied qualifications;
- (m) registration of nursing and allied students at any nursing or allied Institution, and the fees payable in respect of such registration; and
- (n) any other matter for which under this Ordinance provision may be made by regulations.

Repeal and savings

20. (1) The Nurses Act, 1934 (Ben. Act X of 1934), and the Nursing Council Act, 1952 (LIX of 1952), hereinafter referred to as the said Acts, are hereby repealed.

(2) Upon the repeal of the said Acts,-

(a) all assets, rights, powers, authorities and privileges, and all property, movable or immovable, cash and bank balances, funds, investments and all other interests and rights in, or arising out of, such property of the Bangladesh Nursing Councils constituted under the said Acts, hereinafter referred to as the Nursing Councils, and subsisting immediately before such repeal shall stand transferred to, and vest in, the Council;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things to be done by, with or for, the Nursing Councils and subsisting immediately before such repeal shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Council;

(c) all officers and other employees of the Nursing Councils serving

immediately before such repeal shall stand transferred to and become officers and employees of the Council and shall hold their office or service in the Council on the same terms and conditions as were enjoyed by them immediately before such repeal and shall continue to do so until their terms and conditions are duly altered by the Council;

(d) all suits, prosecutions and other legal proceedings instituted by or against the Nursing Councils shall be deemed to be suits, prosecutions and proceedings by or against the Council and shall be proceeded or otherwise dealt with accordingly;

(e) every nurse, midwife, health visitor and family welfare visitor registered under the said Acts shall be deemed to be registered under this Ordinance.