

MANIPUR STATE

GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT
NOTIFICATION
Imphat, the 28th Jun, 1993

No. 2/28/92-Leg/L. – The following Act of the Legislature, Manipur which received assent of the Government of Manipur on 17-6-93 is hereby published in the Manipur Gazette.

L. IBOMCHA SINGH
Secretary to the Govt. of Manipur

THE MANIPUR HOMES AND CLINICS REGISTRATON ACT 1992 (Manipur Act No. 8 of 1993)

An Act

To provide for the registration and inspection of nursing homes, maternity homes and clinics in the State of Manipur and for certain purposes connected therewith and prevention of private practice by doctors working in Government and public hospitals.

BE it enacted by the Legislature of Manipur in the Forty-third year of the republic of India as follows: -

1. Short title, extend and commencement: -

- (1) This Act may be called the Manipur Nursing Home and Clinics Registration Act 1992.
- (2) It extends to the whole of he State of Manipur
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

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

- (i) “Clinic” means any premises used or intended to be used for examination diagnosis or treatment of ambulatory patients and includes premises used or intended to be used for investigation like X-ray, E.C.G. , Ultrasound, C.T. scan, Laboratory examinations, etc. or for the manufacture of dentures, artificial limbs, spectacles, etc.;
- (ii) “Government” means the Government of Manipur;
- (iii) “Local authority” means a municipal board, district board or other authority legally entitled to or entrusted by the Government with the control or management of a municipal or local fund;
- (iv) “Maternity Homes” means any premises used or intended to be used for the reception of pregnant or of women in the process of, or immediately after child-birth;
- (v) “Nursing Home” means any premises used or intended to be used for the reception treatment and nursing of persons suffering from any sickness, injury or infirmity and for keeping them as indoor patients and includes a maternity home and a private hospital and to “carry on a nursing home” means to receive person in a nursing home for any of the aforesaid purposes and to provide treatment or nursing for them and includes a “Clinic” attached thereto;
- (vi) “Prescribed” means prescribed by rules made under this Act;
- (vii) “Qualified medical practitioner” means a medical practitioner registered practitioner either in Allopathy, Homeopathy or Indigenous System of Medicine;
- (viii) “Qualified midwife” means midwife registered in any State in any India under a law for the registration of midwife”
- (ix) “Qualified nurse” means a nurse registered in any State in India under a law for the registration of nurses;
- (x) “Register” means to register under section 5 of this Act and the expression “registered” and “Registration” shall be construed accordingly;
- (xi) “Rules” means rules made under this Act;
- (xii) “Supervising authority” means the person or authority appointed by the Government by notification in the Official Gazette, to perform all or any of the functions of the supervising authority under this Act;

3. Prohibition to carry on nursing home or clinic without registration:- No person shall carry on a nursing home or clinic unless it has been duly registered under the provisions of this Act.

4. Application for registration: -

- (1) Every person intending to carry on a nursing home or clinic shall make an application for registration or renewal of registration for every three years to the supervising authority;

Provided that in the case of a nursing home or clinic, which is in existence at the date of 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 with such fee as may be prescribed.

Registration: -

- (1) Subject to the provisions of this Act and the rules, the supervising authority on receipt of an application of registration shall register the nursing home or clinic named in the application and issue a certificate of registration in the prescribed form;

Provided that the supervising authority may refuse to register the Nursing Home or clinic if it is satisfied:

- (a) that the applicant, or any person employed or to be employed by him at the nursing home or clinic is not a qualified person as prescribed under Rules to carry on a nursing home or clinic or such a description; 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 Nursing Home or that there is no 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 provided in its staff a qualified midwife and a qualified medical practitioner; or
- (d) that for reasons connected with the situation, construction, accommodation, staff or equipment of the nursing home or clinic or any premises used in connection therewith is not fit to be used for a nursing home or clinic of such a description as the nursing home or clinic or premises is used or to be used for any purpose which is improper or undesirable;

Provided further that the Supervising authority shall refuse to register any Nursing Home or Clinic which employ persons or proposes to employ any person or persons employed by any State Government or Central Government or public undertaking or Semi Government Organisation.

- (2) The certificate of registration issued in respect of a nursing home or clinic shall be kept affixed in a conspicuous place in the nursing home or clinic with signboard on which the name of the qualified medical practitioner with his academic qualifications must be written.

- 6. Penalty for non-registration: -** Whoever contravenes the provisions of section 3 shall, on conviction be punished with fine which may extend to one thousand rupees, or in the case of a second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both
- 7. Cancellation or registration; -** Subject to the provisions of this Act, the supervising authority may at any time cancel the registration of any nursing home or clinic on any ground which would entitle it to refuse an application for registration of that nursing home or clinic, or on the ground that the applicant has been convicted of an offence under this Act or that any of the person employed in the nursing home or clinic has been convicted of such an offence under this Act.
- 8. Notice of cancellation of registration: -**
 - (1) Before making an order canceling any registration or an order canceling any registration, the Nursing Home or clinic registered, as the case may be, not less than one month's notice of its intention to make such an order, and every such notice shall state the grounds on 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 month after the receipt of the notice the applicant or the nursing home or clinic registered informs the supervising authority in writing that the required conditions shall be fulfilled, the supervising authority shall, before making the order give him or it an opportunity of showing cause why the registration should not be cancelled
 - (2) If the supervising authority, after giving the applicant of the nursing home or clinic registered an opportunity of showing cause as aforesaid, decides to refuse the application or registration or to cancel the registration with acknowledgement as the case may be, it shall make an order to that effect and shall send a copy of the order by registered post with A.D. to the applicant or the nursing home or clinic registered.
 - (3) Any person aggrieved by an order refusing an applicant for registration or canceling any registration may within a month after the date on which the copy of the order was sent to him appeal to the Government against such order of refusal or cancellation as the case may be. The decision of the Government on any such appeal shall be final.
 - (4) No such order shall come into force after the expiration of a 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. Revision: - The Government may either on its own motion or on the application of any party, call for the records of any proceeding before the supervising authority for the purpose of satisfying itself as to the legality or the propriety of any order passed by the supervising authority and may pass such order in reference thereto as it thinks fit;

Provided that the Government shall not vary or reverse any order affecting any right of the party without giving notice of being heard:

Provided further that no revision shall lie after the expiry of ninety days from the date of order to be revised.

10. Inspection of Nursing Home or Clinics: -

(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 Government 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 or clinic, 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 him to enter or inspect any such premises as aforesaid, or to inspect any such records or obstructs the supervising authority or the officers empowered by him in the exercise of the powers under this section, shall be guilty of an offence under this Act.

11. Credit of fees and fines: - any fees received or fines paid under this Act shall be credited to 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 made thereunder shall, if no other penalty is elsewhere provided in this Act or the rules of such contravention, or conviction, be punished with fine which may extend to two thousand rupees and in the case of continuing offence to further fine of one hundred rupees per day on which the offence continues after such conviction.

(e) **Offences by corporation:** - 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 the company for the conduct of the business of the company as well as the company, shall be liable to be proceeded against and punished accordingly:

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

Court competent to try offences under this Act: - No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this 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 done in good faith or intended to be done in pursuance of this Act or of any rules made thereunder.

Powers to make rules: -

- (1) The Government 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 foregoing powers 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;
 - the form of the certificate of registration to be issued under section 5;
 - the records of the patients to be kept in the nursing home or clinic, 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 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 relatives;
 - the notification required to be given for any death occurring in the nursing home or clinic;

for any other matter which has to be, or any be prescribed

- (3) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.
- (4) All rules made under this section shall, as soon as may be after they are made, be laid on the Table of the House of the State Legislature of fourteen days and shall be subject to such modification whether by way of repeal or amendment, as the State Legislature may make during the session in which they are so laid.

17. Saving: - Nothing in this act shall apply to: -

- (1) any hospital or clinic run or sponsored by Government or a local authority; and
- (2) any asylum for lunatics or patients suffering from mental diseases within the meaning of the Indian Medical Health Act 1987