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**LEGISLATIVE ASSEMBLY OF GOA**

**The Goa Private Nursing Home  
(Regulation) Bill, 1987**

(Bill No. 7 of 1987)

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(To be introduced in the Legislative Assembly of Goa)

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**GOA LEGISLATURE DEPARTMENT  
ASSEMBLY HALL, PANAJI**

**JULY, 1987**

# The Goa Private Nursing Home (Regulation) Bill, 1987

(Bill No. 7 of 1987)

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## BILL

*to provide proper treatment and adequate facilities such as proper accommodation and proper nursing care to patients within the framework of the socio economic condition of the patients.*

Be it enacted by the Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:—

### Preliminary

1. Short title, extent and commencement. — (1) This Act may be called the Goa Private Nursing Home (Regulation) Act, 1987.

(2) It extends to the whole of the State of Goa.

(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, —

(a) 'appointed day' means the date on which the provisions of this Act came into force;

(b) 'competent authority' means any person or persons or authority appointed by the Government to perform the functions of the competent authority under this Act and different persons or authorities may be appointed to perform different functions;

(c) 'Government' means the Government of Goa;

(d) 'inspecting authority' means the Deputy Directors or the Health Officers or the Chief Medical Officers of the Directorate of Health Services, Government of Goa;

(e) 'licence' means a licence granted under the provisions of this Act;

(f) 'manager' in relation to a private nursing home means the person, by whatever name or designation called who is a qualified medical practitioner and is in charge of or is entrusted with, the running of private nursing home;

(g) 'medical treatment' means treatment in modern medicine or in any system of medicine like the Ayurvedic, the Unani, the Homoeopathic and the Naturopathic;

(h) 'modern medicine' means the western methods of allopathic medicine, obstetrics and surgery and it includes also radiotherapy, criotheraphy, ultrasonic or any other method used in treatment of diseases by modern appliances and apparatus;

(i) 'nursing home' means a hospital or clinic or any other place where human-diseases are given preventive and or curative medical treatment;

(j) 'Official Gazette' means the Goa Government Gazette;

(k) 'private nursing home' means a nursing home which is not owned or sponsored by the Government or the Central Government;

(l) 'section' means section of this Act;

(m) 'qualified medical practitioner' means medical practitioner registered in the State of Goa under the law in force for the registration of medical practitioner.

**3. Private nursing home to be licensed.** — On or after the appointed day, no private nursing home shall be established, run or maintained in the State of Goa except under and in accordance with the terms and conditions of a licence:

Provided that a private nursing home in existence immediately before the appointed day shall also apply for the licence within a period of four months from such day and pending orders thereon, may continue to be run but subject to the provisions of this Act.

**4. Standards.** — Every private nursing home shall conform to the standards which may be prescribed regarding the operation theatre, accommodation, staff, facilities to be provided to the patients, maintenance and like matters.

— 3 —

**5. Fees to be charged.** — (1) For the medical treatment given, no private nursing home shall charge or collect fees in excess of the scales of fees that may be prescribed.

(2) Fees shall be prescribed having regard to the nature of the disease, the treatment and other like matters.

**6. Application for licence.** — Every person desiring to establish, run, maintain or continue to run a private nursing home shall make an application to the competent authority in such form and alongwith such fees as may be prescribed.

**7. Disposal of applications.** — (1) On receipt of the application under section 6 and after such enquiry as he may deem necessary, the competent authority may, by order, grant or refuse to grant the licence. Where the licence is refused, brief reasons for such refusal shall be given.

(2) Every order under sub-section (1) shall as soon as may be after it is made, be communicated to the applicant:

Provided that where no such communication is issued before the expiry of ninety days from the date on which the application was made, the licence shall be deemed to have been refused.

**8. Factors to be taken into account in disposing of application.** — In disposing of the applications under section 6, the competent authority shall have regard to the following, namely: —

(a) whether the premises housing the nursing home is suitable hygienically or otherwise;

(b) whether the nursing home is adequately staffed with qualified doctors, nurses, technical and other personnel; and

(c) such other factors as may be prescribed.

**9. Inspections, etc.** — (1) The inspecting authority may at any time, inspect a private nursing home to satisfy himself that the provisions of this Act and the conditions of the licence are being duly observed.

(2) If as a result of such inspection any defects or deficiencies are noticed, the inspecting authority

may, by order, direct the manager to remedy the same within such time as may be specified in the order. Thereupon, the manager shall comply with every such direction and make a report of compliance to the inspecting authority.

**10. Defaults.** — (1) If in any private nursing home a free access to the inspecting authority is obstructed or prevented in any manner by the manager or his staff, the competent authority after receiving such information and after giving the concerned person an opportunity of being heard, may impose a fine which may extend to five hundred rupees without detriment to any other action taken under sub-section (2).

(2) If any private nursing home commits default in observing any of the conditions of the licence or fails to comply with the directions issued under section 9 or contravenes any of the provisions of this Act, the competent authority may, by order, revoke the licence:

Provided that no such order shall be made except after giving the person concerned an opportunity of making representation against the proposal.

(3) The fine imposed shall be paid by the manager of the nursing home within the period of ten days from the date of such order. In case of non-payment of fine within the period of ten days, the same shall be recovered as an arrear of land revenue under the law for the time being in force.

**11. Appeals.** — (1) Any person whose application for licence is refused or deemed to have been refused and any person aggrieved by any other order under this Act, may prefer an appeal to the prescribed appellate authority.

(2) Every such appeal shall be preferred within thirty days from the date of the order appealed against is communicated or is deemed to have been made. The order of the appellate authority on appeal shall be final.

**12. Penalty.** — Whoever contravenes any of the provisions of this Act or the terms and conditions of a licence shall be liable, on conviction, to imprison-

ment which may extend to six months or with fine which may extend to five thousand rupees.

**13. Cognizance and trial of offence.**—(1) No Court inferior to that of Judicial Magistrate of first class shall try any offence under this Act:

Provided that no such Court shall take cognizance of offence except on a complaint made by the competent authority or any other officer authorised by him either generally or specially in writing.

**14. Indemnity.**— No suit or legal proceedings shall lie against the Government or any officer of the Government in respect of anything which is in good faith done by or under this Act.

**15. Rules.**— (1) The Government may, subject to the condition of previous publication make rules for carrying out the purpose of this Act.

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

(a) the standards referred to in section 4;

(b) form of application under section 6;

(c) condition subject to which licence may be granted;

(d) other factors to be taken into account under section 8;

(e) fees to be paid on applications and appeals; and

(f) the fees to be charged for the medical treatment given, the accommodation and facilities provided.

**16. Repeal and saving.**— (1) On the commencement of the Act, any law in force in the State of Goa providing for any matter for which provision is made in this Act, shall stand repealed.

(2) Notwithstanding the repeal by this Act of any corresponding law, all the rules, regulations and bye-laws relating to the nursing home made under

such corresponding law and in force immediately before the commencement of this Act shall, except where and so far as they are inconsistent with or repugnant to the provisions of this Act, continue to be in force until altered, amended or repealed by rules made under this Act.

## Statement of Objects and Reasons

There is quite a large number of private nursing homes in this State and the Government is not in a position to regulate their activities as there is no suitable legislation to that effect.

This Bill, therefore, seeks to regulate the functioning of private nursing homes so as to ensure proper Medical treatment and adequate facilities such as proper accommodation and proper nursing care to patients at reasonable cost.

## Memorandum of Delegated Legislation

Clause 15 of the Bill empowers the Government to make rules for carrying out the purposes of the Act.

This delegation is of normal character.

## Financial Memorandum

Under the Bill, most of the duties are to be performed by the existing staff of the Directorate of Health Services. At this stage, no financial implications are involved. However, there would be some financial implications involving future expansion and the strengthening of services to meet the requirements of the Bill.

The Bill also provides for levying certain fines for default or contravention of the provisions of the Bill on the part of the management of the concerned Institutions. The revenue which may be accrued on this account cannot be ascertained at this stage.

Panaji  
29th June, 1987

SHAIKH HASSAN HAROON  
Minister for Health

Assembly Hall  
Panaji  
6th July, 1987

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa.



**Governor's recommendation under rule 207  
of the Constitution.**

In pursuance of clause (1) of article 207 of the Constitution, the Governor of Goa has recommended to the Legislative Assembly of Goa, the introduction and consideration of the Goa Private Nursing Home (Regulation) Bill, 1987.