

SPEED POST

F.No.Z-29011/15/2013-N(Vol.II)
Government of India
Ministry of Health & Family Welfare
(Nursing Section)

Nirman Bhawan, New Delhi-11
Dated the 28th September, 2016

To,

Principal/Chief Health Secretaries
(As per list enclosed)

Subject: Constitution of the Committee constituted in compliance with Hon'ble Supreme Court's judgement in W.P.(C) No. 527/2011 - Protection and safeguarding the interest of Nurses working in Private hospitals/Clinical Establishments - forwarding of recommendations - regarding.

Sir/Madam,

I am directed to refer to Judgement dated 29.01.2016 in the matter of W.P.(C) No.527/2011 delivered by Hon'ble Supreme Court. The operative part of the judgement is as follows:

"We expect that the Central Government will look into the grievance ventilated in this petition, by forming a Committee within four months from today. We are sure that after examining the factual situation, if the Committee is of the view that the grievances ventilated in the petition are correct, the Committee will make its recommendations, so as to do the needful for improvement of working conditions and pay of the nurses working in private hospitals and nursing homes within six months from its constitution, which can ultimately be given a form of legislation by the respondent-States or by the Central Government itself. (Para 4)

We are sure that the recommendations of the Committee shall be duly considered by the Central Government and it shall do the needful. (Para 5)

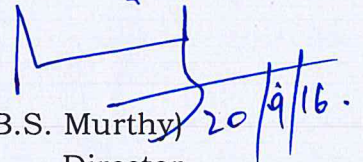
We do not propose to give any guidelines, as prayed for in this petition, as the grievances are to be looked into by the Committee consisting of experts. (Para 6)"

2. Subsequently, this Ministry has constituted a Committee vide Order No.Z-29011/15/2013-N dated 24.02.2016 (Copy enclosed) to examine the issues. The Committee deliberated on the issues in its meeting held on 18.04.2016 and 30.06.2016. Recommendations of the Committee, approved by the Competent Authority is forwarded to all the States/UTs for formulating the legislation/guidelines to be adopted in respect of Nurses working in private hospitals/institutions.

3. Action taken in the matter may please be intimated to this Ministry by 20.10.2016.

Encls: As above.

Yours faithfully,



(B.S. Murthy)
Director

Tel: 011.23062744

Copy also forwarded to:-

1. All members of the Committee.
2. PS to HFM/PPS to Secretary (HFW)/PS to AS(Health)/PPS to DGHS/PPS to JS(AS)/PPS to JS(SK).

Recommendations of the committee constituted in compliance of Hon'ble Apex Court Judgement dated 29.01.2016 in W.P.(C) 527/2011, vide Ministry's order No. Z-29011/15/2013-N dated 24.02.2016.

Committee examined all the information collected from various states, AIGNF and TNAI and felt that adequate salary and basic facilities are not provided to nurses employed in private hospitals/nursing homes. Their pay and working condition is really pathetic and some steps are required to be taken to uplift the standard of working conditions in respect of nurses. After deliberations and discussions, the committee has made following recommendations:

1. Salary:

- In case of >200 bedded hospitals, salary given to private nurses should be at par with the salary of State Govt. nurses given in the concerned State/UT for the similar corresponding grade.
- In case of >100 bedded hospitals, salary given to private nurses should not be more than 10% less in comparison of the salary of State Govt. nurses given in the concerned State/UT for the similar corresponding grade.
- In case of 50-100 bedded hospitals, salary given to private nurses should not be more than 25% less in comparison of the salary of State Govt. nurses given in the concerned State/UT for the similar corresponding grade.
- Salary given to private nurses should not be less than Rs.20000/- pm in any case even for <50 bedded hospitals.

2. Working conditions:

- Working conditions viz. leaves, working hours, medical facilities, transportation, accommodation etc. given to nurses should be at par with the benefits granted to State Govt. nurses working in the concerned State/UTs.

3. Steps should be taken by all States/UTs for formulating legislation/guidelines to be adopted for implementation of the above recommendations in case of Nurses working in private hospitals/institutions.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.527 OF 2011

TRAINED NURSES ASSOCIATION OF INDIA ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Heard the learned counsel for the petitioner-Association, the learned Additional Solicitor General appearing on behalf of the Union of India, the learned counsel appearing on behalf of Respondent No.37, i.e., Indian Nursing Council and other learned counsel appearing for different States.

2. The petitioner-Association has ventilated its grievance with regard to the working conditions of nurses in private hospitals and nursing homes. The prayers made in this petition read as under :

- "a) issue guidelines for improving the working condition of nurses in hospitals/nursing homes;
- b) direct all the respondents to adhere to the guidelines/rules framed by this Hon'ble Court till necessary legislation is made by the Parliament/State Legislative Assemblies;
- c) issue necessary directions to ensure that

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nurses working in the private sector are paid salary equivalent to those working in Government hospitals;

- d) issue necessary directions to the respondents to take appropriate action against hospitals/nursing homes insisting on bond from nurses working in their establishments;
- e) issue a declaration that the bond system practiced by hospitals/nursing homes is unconstitutional and illegal;
- f) issue appropriate directions to 1st respondent to frame necessary guidelines to improve working conditions of nurses in India;
- g) pass any other/further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case to meet the ends of justice."

3. Upon hearing the learned counsel and going through the petition, we feel that the nurses who are working in private hospitals and nursing homes are not being treated fairly in the matter of their service conditions and pay.

4. We expect that the Central government will look into the grievances ventilated in this petition, by forming a Committee within four months from today. We are sure that after examining the factual situation, if the Committee is of the view that the grievances ventilated in the petition are correct, the Committee will make its recommendations, so as to do the needful for improvement of working conditions and pay of the nurses working in private hospitals and nursing homes within six months from its constitution, which can ultimately be given a form of

legislation by the respondent-States or by the Central Government itself.

5. We are sure that the recommendations of the Committee shall be duly considered by the Central Government and it shall do the needful.

6. We do not propose to give any guidelines, as prayed for in this petition, as the grievances are to be looked into by the Committee consisting of experts.

7. So far as the grievance, with regard to system of execution of bonds by private hospitals and nursing homes, is concerned, the learned counsel appearing on behalf of Indian Nursing Council has submitted that the said system has now been abolished. Therefore, the said grievance does not survive.

8. With the aforesaid directions, the writ petition stands disposed of.

.....J.
[ANIL R. DAVE]

.....J.
[SHIVA KIRTI SINGH]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
29th January, 2016.

(3)

BY SPEED POST

F.No.Z-29011/15/2013-N
Government of India
Ministry of Health & Family Welfare
(Nursing Section)

Nirman Bhawan, New Delhi-11
Dated the 24th February, 2016

ORDER

Subject: Constitution of Committee in compliance of Hon'ble Supreme Court's judgement in the matter of W.P.(C) No.527/2011 filed by Trained Nurses Association of India - reg.

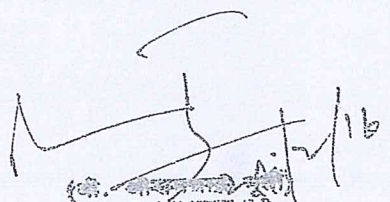
In compliance of Hon'ble Supreme Court's judgement dated 29.01.2016 in W.P.(C) No.527/2011 filed by TNAI, it has been decided to constitute a Committee with the following members to look into the grievances raised by TNAI in the above mentioned Writ Petition, in respect of Nurses, who are working in private hospitals and nursing homes etc., to examine the factual situation and to make recommendations for improvement of working conditions and pay of nurses:

- | | | | |
|----|---|---|------------------|
| 1) | DGHS | - | Chairman |
| 2) | Joint Secretary, MoHFW [Clinical Establishments(R & R) Act, 2010] | - | Member |
| 3) | President, INC | - | Member |
| 4) | Nursing Advisor, MoHFW | - | Member |
| 5) | Secretary, TNAI | - | Member |
| 6) | Secretary, AIGNF | - | Member |
| 7) | Two Members from Private Hospitals (Fortis, N Delhi & Narayana Health, Bangalore) | - | Member |
| 8) | Director, Medical Education from State Govts. (Rajasthan, Tamilnadu, Gujarat, Madhya Pradesh and Arunachal Pradesh) | - | Member |
| 9) | Director (Nursing), MoHFW | - | Member Secretary |

2. The Terms of Reference of the Committee shall be as under:

- a) To look into the grievances raised by TNAI in their W.P.(C) 527/2011 and to examine the factual situation;

2/-


 (B. S. MURTHY)
 Director
 Ministry of Health & F.W.
 Govt. of India

- b) To see whether enactment of new legislation/chalk out guidelines for regulating pay, perquisites and services conditions of nurses working in private hospitals/nursing homes is required, considering the fact that there are already many Acts such as Wages Act, Labour Act and Clinical Establishment (Registration and Regulation) Act, 2010 etc. to regulate wages and service conditions;
- c) To make recommendations/guidelines on the basis of which State may formulate legislations/guidelines to regulate pay and service conditions of nurses working in private hospitals, nursing homes etc.;
- d) To examine any other issues as referred to it by the Chairman of the Committee.

3. The Committee shall make its recommendations within six months from its constitution to the Central Government.

4. This issues with the approval of Secretary, Ministry of Health & Family Welfare, Government of India.

(B.S. Murthy)
Director

Tel: 011-23062744

(जी. श्रीराममूर्ति मुर्ती)
(B. S. MURTHY)

डिरेक्टर/Director
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
Ministry of Health & F.W.
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

Copy to:

1. All members of the Committee.
2. Principal Secretary/Chief Secretary, Medical Education (Rajasthan, Tamilnadu, Gujrat, Madhya Pradesh, Arunachal Pradesh)....with a request to nominate Director, Medical Education to the Committee.
3. PS to HFM/PPS to Secretary (HFW)/PPS to AS&MD/PPS to AS(Health)/PPS to AS&FA, PPS to DGHS/PPS to JS(ARR).
4. NIC with a request to put in Ministry's website.
5. Reference folder/Spare Copy.