



## NURSES AND THE NEW LAW: AN OVERVIEW OF THE NATIONAL NURSING AND MIDWIFERY COMMISSION ACT, 2023

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### ABSTRACT

The enactment of the National Nursing and Midwifery Commission Act, 2023 marks a significant transformation in the regulation of nursing and midwifery education and practice in India, replacing the previous legislation of Indian Nursing Council Act, 1947. The Act establishes a new institutional framework comprising a National Commission, Autonomous Boards, and State-level bodies aimed at ensuring uniform standards in education, registration, professional conduct, and assessment. This article critically examines 2023 Act, while assessing their implications for professional autonomy, quality assurance, and workforce governance. Through the analysis of statutory provisions, the article argues that although the Act advances standardisation and central coordination, it remains largely silent on the explicit recognition of nurses' rights, working conditions, and grievance redressal mechanisms.

**KEYWORDS :** National Nursing and Midwifery Commission Act, 2023; Nursing Regulation in India; Health Law; Professional Governance; Nursing Education; Nurse Practitioners; Healthcare Regulation

### INTRODUCTION

Since 1947, the nursing profession in India has been regulated through both central and state legislations, principally the Indian Nursing Council Act, 1947 and the respective State Nursing Council Acts. The primary objective of the central legislation has been the constitution of the Indian Nursing Council for regulating nursing education and prescribing minimum educational standards. In contrast, the state legislations focus on professional regulation by mandating registration of nurses and by providing mechanisms for disciplinary action against professional misconduct within their respective jurisdictions. In this regulatory backdrop, the Central Government has enacted the National Nursing and Midwifery Commission Act, 2023, with the objective of repealing the Indian Nursing Council Act, 1947 and establishing the National Nursing and Midwifery Commission for regulating and maintaining standards of education and services provided by nursing and midwifery professionals. The new Act incorporates both education and service of nurses as well as midwifery professionals within its purview. A vision to expand a system for access, research, and adoption of latest scientific advancement in the nursing profession is also included within the objective of the Act (NNMC Act, 2023). The integration of education and service regulation under a single statutory framework reflects a holistic approach to professional governance. By addressing education, licensure, ethics, and institutional oversight together, the Act attempts to strengthen continuity between classroom learning and clinical practice.

### The Nursing Profession

The Act defines "Nurses" as health care professionals "having completed a recognized programme of basic, generalised nursing education and has acquired the requisite qualification and is granted licence to practice nursing by the National Nursing and Midwifery Commission" (NNMC Act, 2023, s.2(j)). It is pertinent to note that the Act also defines the term "Nurse Practitioner" thereby recognising their advanced education, experience, knowledge and expertise in their field (NNMC Act, 2023, s.2(k)).

The statutory recognition of nurse practitioners is particularly significant, as it reflects a shift towards advanced practice nursing models widely adopted in several countries. The Act provide an elaborate discussion on the scope of practice of Nursing as "...the autonomous and collaborative care of individuals of all ages, families, groups and communities, sick or well and includes the promotion of health, prevention of illness, care of physically ill, mentally ill, disabled and dying people in all healthcare and other community settings by—(i) carrying out healthcare teaching; (ii) participating fully as a member of the healthcare team; and (iii) supervising and training nursing and healthcare auxiliaries, additional key

nursing roles including advocacy, promotion of a safe environment, research, participation in shaping health policy, in-patient health systems management and education" (NNMC Act, 2023, s.2(m)). Thus, the Act expands their scope of practice from bedside nursing to community nursing, including planning, management, advocacy, supervision, working collaboration with doctors for the prevention of diseases as well as shaping of policies relating to health. By embedding research, policy participation, and advocacy within statutory definitions, the Act contributes to professional identity formation and elevates nursing as a distinct discipline.

### The National Commission

Elaborate discussion on the constitution and functions of the National Nursing and Midwifery Commission and the State Nursing and Midwifery Commission are provided (NNMC Act, 2023, ch. II, s. 3–4). The National Nursing and Midwifery Commission consists of representatives from Nursing Profession with administrative capacity and possessing a postgraduate degree with not less than 20 years experience as chairperson. Representations from Department of Health and Family Welfare (Govt. of India), Ministry of Defence (Military Nursing Services), Directorate of Health Services, National Medical Commission, Chief Nursing officers from hospitals or dean or Principal of nursing colleges, representatives from State Nursing Commission, Nursing members of eminence, and members nominated by the Central Government from nursing professionals, charitable institutions as well as persons of eminence having knowledge in law, medical ethics, patient rights advocacy, science and technology, economics and health research are included within the commission. A Search-cum-Selection committee is also constituted under the Act for the appointment of chairperson and members of the national commission (NNMC Act, 2023, s. 5). The Secretary, Ministry of Health and Family Welfare will be the chairperson of the committee.

The multi-disciplinary composition reflects an attempt to balance professional self-regulation with governmental oversight. Regulatory pluralism of this nature is increasingly seen as necessary to ensure accountability while preserving professional autonomy (WHO, 2021).

The National commission enjoys the power to frame policies and regulations of matters such as regulation of nursing and midwifery education, educational institutions, standards of nursing faculty, ensuring policies and codes to observe professional code of ethics, framing guidelines for the functioning of the commission, and other related activities (NNMC Act, 2023, s.10(2)).

### Boards for Education, Assessment and Registration

The Act empowers the central government to constitute

Autonomous Boards under the supervision of the National Commission. Three autonomous boards have been mentioned under the Act such as the Nursing and Midwifery Undergraduate and Postgraduate Education Board, the Nursing and Midwifery Assessment and Rating Board, and Nursing and Midwifery Ethics and Registration Board (NNMC Act, 2023, s.11). These boards have their own specific functions and powers.

Functional separation of education, assessment, and ethics mirrors the structure adopted under the National Medical Commission Act, 2019 and reflects contemporary regulatory design.

The Nursing and Midwifery Undergraduate and Postgraduate Education Board has the power to determine the requirements and standards of nursing and midwifery education including developing curriculum, qualifications, standards for setting up nursing and midwifery institutions, qualifications for faculty, as well as regulation of standards of practice of registered nurses and midwifery professionals. The Assessment and Rating Board has the power to grant permission to establish and carry out inspections to new nursing and midwifery institutions (NNMC Act, 2023, s.19). They can also conduct inspections of nursing and midwifery institutions and rate their quality. The Nursing and Midwifery Ethics and Registration Board is empowered to maintain the National Register for all registered professionals, approve or reject the application of registration, and regulate the professional conduct and ethics of the nursing professionals (NNMC Act, 2023, s. 20). It is also noteworthy that the Nursing and Midwifery Assessment and Rating Board is empowered with the power to grant sanction for establishing of a new nursing or midwifery institution (NNMC Act, 2023, s.21).

#### The State Commission

Likewise the National Commission, the State Nursing and Midwifery Commissions have to be constituted in every states (NNMC Act, 2023, ch. IV, s. 23(1)). It includes persons experienced in administrative capacity in nursing (having 20 years experience in nursing and midwifery), Director of the Health Department (State), Dean or Head of the Department from any nursing or midwifery college or institute, persons of eminence in nursing and midwifery profession, persons nominated by the State Government, persons representing charitable institutions engaged in nursing and midwifery. The State Commission is entrusted with functions such as the regulation of nursing professional conduct, code of ethics, and etiquette, including taking disciplinary actions in cases of professional misconduct (NNMC Act, 2023, s.24).

Another significant provision is with regard to the maintenance of the National and State register containing the name, address and qualifications of the nursing and midwifery professionals (NNMC Act, 2023, ch. V, s. 25). The Nursing and Midwifery Ethics and Registration Board is empowered with the function of maintaining the national register including digital form as well as the details of removal of name from the register. Digital registers improve transparency and mobility of health professionals, a key WHO recommendation for health workforce governance (WHO, 2020). The Act ensures the rights of persons to have licence to practice and to be enrolled in National Register or State Register (NNMC Act, 2023, § 26). Registration is mandatory before practice (NNMC Act, 2023, s.27).

Another provision is with regard to the recognition and maintaining of records of every nursing and midwifery qualifications granted by universities or institutions (NNMC Act, 2023, ch. VI, s. 28). The board may recommend withdrawal of recognition of institutions if they fail to comply with norms (NNMC Act, 2023, s.30). Another provision of the Act is the constitution of Advisory Board known as the Nursing and

Midwifery Advisory Council to advise on standards of education, service, training and research.

Though the Act is a good attempt, it is not free from criticisms. One of the major criticisms is the inclusion of midwifery along with the nursing profession. Another issue is the lack of a definite explanation of the scope of nursing practice, including the functions and role boundaries of nurses practicing in separate disciplines. The expanded scope such as palliative care nursing and home nursing is not discussed. Other issues include non-representation of nursing associations such as the Trained Nurses Association of India and non-inclusion of Women's Commissions. Further, the aspects of rights and liabilities of nurses are not included. Matters relating to inspections of private hospitals, penalising institutions employing unqualified nurses, nurse-patient ratio, salary, working conditions, recruitment, promotions, job descriptions, grievance redressal, and migration data are absent.

#### CONCLUSION

The National Nursing and Midwifery Commission Act, 2023 represents a landmark shift in the regulatory architecture governing nursing and midwifery in India. By repealing the Indian Nursing Council Act, 1947 and introducing an integrated institutional framework encompassing education, registration, ethics, and assessment, the Act seeks to modernise nursing governance and align it with contemporary healthcare needs. The statutory recognition of nurse practitioners, the expanded articulation of the scope of nursing practice, and the creation of autonomous boards for education, assessment, and ethics collectively reflect an acknowledgement of the evolving and indispensable role of nurses within India's health system.

At the same time, the Act primarily adopts an institutional and structural reform approach, while comparatively under-emphasising the socio-professional realities of nurses. The absence of explicit provisions relating to nurses' rights, working conditions, grievance redressal, standard-of-practice benchmarks, and accountability of private healthcare institutions weakens the protective dimension of the legislation. Further, the limited representation of professional nursing associations and the combined regulation of nursing and midwifery without clear differentiation raise concerns regarding professional identity, autonomy, and participatory governance. A balanced approach that equally prioritises public safety, professional autonomy, workforce welfare, and accountability is essential for ensuring that the law serves not merely as an administrative statute but as a rights-oriented instrument for the nursing profession.

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