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## PART-V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

### THE GUJARAT MEDICARE SERVICE PERSONS AND MEDICARE SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGE OR LOSS OF PROPERTY) BILL, 2012.

GUJARAT BILL NO. 14 OF 2012.

#### A BILL

*to prohibit violence against medicare service persons and damage or loss of property in medicare service institutions and for the matters connected therewith and incidental thereto.*

WHEREAS the acts of violence of causing injury or danger to life of medicare service persons and damage or loss of property of medicare service institutions have been on increase in the State causing unrest in medicare service persons and professionals resulting in hindrance of such services in the State;

AND WHEREAS it has become necessary to prohibit such violence against medicare service persons and prevention of damage or loss of property of medicare service institutions from such violent activities in the public interest;

It is hereby enacted in the Sixty-third Year of the Republic of India, as follows:-

Short title, extent and commencement. 1. (1) This Act may be called the Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2012.

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

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

- (a) "damage" means impairment of the usefulness or value of the property or causing harm to such property;
- (b) "hospital and medical records" means all such documents or records accumulated or maintained by hospital authority or any medical authority ranging from records of historic interest to any acknowledgments;
- (c) "medicare service institution" means all institutions providing medicare services to people under any recognise system of medicine which are under the control of the State Government, Central Government or local bodies, etc. including any private hospital having facilities for treatment of sick and used for their reception or stay; any private maternity home where women are usually received and accommodated for the purpose of confinement and ante-natal and post-natal care in connection with the child birth or anything connected therewith; and any private nursing home used or intended to be used for the reception and accommodation of persons suffering from any sickness, injury or infirmity whether of body or mind, and providing of treatment or nursing or both of them and includes a maternity home or convalescent home or mobile medicare unit;
- (d) "medicare service persons" in relation to a medicare service institution shall include,-
  - (i) Registered Medical Practitioners (including a person having provisional registration) working in a medicare service institution;
  - (ii) Nurses registered under the Gujarat Nurses, Midwives and Guj. 24 of 1968. Health Visitors Act, 1968;
  - (iii) Auxiliary Nurse and Mid-wife;
  - (iv) Trained Dai;

- (v) Medical student;
- (vi) Nursing student;
- (vii) para medical staff and other staff or employee directly or indirectly employed by a medicare service institution for providing required services;
- (e) "medical student" means a student who is undergoing training or studies in medical profession;
- (f) "mobile medical unit" means an ambulance or any vehicle equipped with medical equipment, used for providing medicare service;
- (g) "nursing student" means a student who is undergoing training or studies in nursing profession;
- (h) "offender" means any person who either by himself or as a member or as a leader of a group of persons or organisation commits or attempts to commit or abets or incites the commission of violence under this Act;
- (i) "para medical staff" means a person who assists the medicare service person in providing medicare service;
- (j) "property" means any property, movable or immovable including tangible or intangible (subject to the provisions of Information Technology Act, 2000), or hospital and medical records or medical equipment or medical machinery or any such property as owned by or in possession of, or under the control of any medicare personnel or medicare service institution;
- (k) "violence" means an act or activity causing harm or which may cause any harm, injury or endangering the life or intimidation, obstruction or hindrance to any medicare service person in discharge of duty in a medicare service institution or patient or causing damage or loss to the property in a medicare service institution.

21 of 2000.

3. No person shall indulge in any act of violence against medicare service person or damage or loss to property in a medicare service institution. **Prohibition of violence.**
4. Any offender who commits any act or attempts to commit or abets or incites the commission of any act of violence in contravention of section 3, shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both. **Penalty.**
5. Any offence committed under this Act shall be cognizable and non-bailable. **Cognizance of offence.**

- Liability to pay compensation for damage or loss caused to property.** 6. (1) In addition to the punishment specified in section 4, the offender shall also be liable to pay compensation, within such time limit as the Court may prescribe, in terms of penalty of twice the market price of such medical equipment damaged and loss caused to the property, as may be determined by the Court.
- (2) If the offender does not pay the compensation under sub-section (1), the said sum shall be recovered under the provisions of the Gujarat Land Revenue Code, 1879 Bom. V of 1879. as an arrear of land revenue.
- Power to make rules.** 7. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.
- (2) All rules made under this section shall be laid, for not less than thirty days, before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.
- Compounding of offences.** 8. (1) The Government or any person authorised by the Government by general or special order in this behalf, may either before or after the institution of the proceedings, compound an offence punishable by or under this Act.
- (2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.
- Protection of action taken in good faith.** 9. No suit, prosecution or other legal proceeding shall lie against the Government or any person or officer authorised by the Government or the Head of a medicare service institution or his authorised representative for anything which is in good faith done or intended to be done under this Act.
- Act not in derogation of any other law.** 10. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

**STATEMENT OF OBJECTS AND REASONS**

The role of medical professionals is directly connected with the lives of the human being. Some times, unexpected complications arise during the treatment of the patients. In some cases, severe complications result in the death of the patient during the treatment. At such times, sometimes, the relatives or the guardians of the patient misunderstand the situation and commit the offence of assault on the medical person or indulge in destruction of property. Anti-social elements also take benefit of the situation and damage the property of the medicare service institutions. Recently, many occasions in the State has been reported of the violence and damage to the property of the medicare service institutions. The increase in incidents of violence has resulted in unrest among medical persons, disruption of medical services and inconvenience to the general public. Moreover, it has caused adverse impact on the morale of the medicare service persons. To deal with such situation there is no special law to prevent such incidents in the State.

It is felt that these violent incidents need to be curtailed and there should be a proper arrangement for the protection of lives of the medicare service persons and para medical staff and property. It is also felt necessary to effectively curb the occurrences of such incidents in the State and to protect and safeguard the medicare service persons and property of medicare service institutions. It is, therefore, considered expedient to enact a law providing for prohibition of such violence on medicare service persons and damage to the property of the medicare service institutions by making such offences cognizable and non bailable with stiff punishment.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, the important provisions of the Bill :-

- Clause 1.-** This clause provides for short title, extent and commencement.
- Clause 2.-** This clause defines certain terms used in the Act.
- Clause 3.-** This clause provides for prohibition of violence on medicare service persons and damage to the property of the medicare service institutions.
- Clause 4.-** This clause provides for penalty for breach of the provisions of the Act.
- Clause 5.-** This clause provides that any offence committed under this Act shall be cognizable and non-bailable.
- Clause 6.-** This clause provides for liability to pay compensation for damage or loss caused to property in addition to the punishment specified in clause 4.
- Clause 7.-** This clause provides for power of State Government to make rules.
- Clause 8.-** This clause provides for compounding of offences.
- Clause 9.-** This clause provides for protection of action taken in good faith.
- Clause 10.-** This clause provides that the provisions of this Act shall be in addition to and not in derogation of the provisions any other law.

**JAY NARAYAN VYAS,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative powers in following respect:-

**Clause 1.-** Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

**Clause 7.-** This clause empowers the State Government by notification in the *Official Gazette*, to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 15th March, 2012.

**JAY NARAYAN VYAS.**

By Order and in the name of the Governor of Gujarat,

Gandhinagar.

Dated the 15<sup>th</sup> March, 2012.

**C. J. GOTHI,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.