

## THE KERALA MEDICARE SERVICE PERSONS AND MEDICARE SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGE TO PROPERTY) BILL

A bill to prohibit violence against Medicare service persons and prevent damage and loss to property in Medicare service institutions and for matters connected therewith and incidental thereto.

Preamble.—WHEREAS acts of violence causing injury or danger to life of Medicare Service Persons and damage or loss to property of Medicare Service Institutions are on the increase in the State creating unrest in Medicare persons resulting in total hindrance to such services in the State;

AND WHEREAS in the larger interest of the patients, their relatives, attendants and members of the public, it is necessary to prevent persons from taking law into their own hands and indulging in violent activities.

AND WHEREAS it has become necessary to punish the persons committing violence and to provide compensation for loss or damage to the property of medicare persons and to make such offences cognizable and non-bailable.

Be it enacted in the fifty ninth Year of the Republic of India as follows: —

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act,—

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

(3) It shall come into force at once.

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

(a) ‘Medicare Service Institutions’ means all institutions providing Medicare to people which are under the control of State or Central Government or Local Bodies etc., including any private hospital having facilities for treatment of the 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 postnatal care in connection with 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 any sickness, injury or infirmity whether of body or mind and providing of treatment for nursing or both of them and includes a maternity home, convalescent home, clinics, residence and or consulting rooms of medicare persons;

(b) Medicare Service Persons in relation to a Medicare service institution shall include,

(i) Registered Medical Practitioners, working in Medicare Institutions (including those having provisional registration);

- (ii) Registered Nurses;
- (iii) Medical Students;
- (iv) Nursing Students;
- (v) Para Medical Workers employed and working in Medical Service Institutions;

(c) ‘Offender’ means any person who either by himself or as a member or as a leader of a group of persons or organizations commits or attempts to commit or abets or incites the commission of violence under this Act;

(d) ‘Property’ means any property, movable or immovable or medical equipment or medical machinery owned by or in possession of or under the control of any medicare person or medicare service institution;

(e) ‘Violence’ means activities causing any harm, injury or endangering the life or intimidation, obstruction or hindrance to any Medicare service person in discharge of duty in the Medicare service institution or damage or loss to property in Medicare service institution.

*3. Prohibition of Violence.*—Any act of violence against Medicare service persons or damage or loss to property in a Medicare service Institution is hereby prohibited.

*4. Penalty and other consequences for violation of Section 3.*—(1) Any Offender who commits any act in contravention of Section 3 shall be punished with imprisonment for a period which may extend to three years and with fine, which may extend to fifty thousand rupees.

(2) Any offence committed under Section 3, shall be cognizable and non-bailable.

(3) In addition to the punishment specified in section 4, the offender shall be liable to a penalty of twice the amount of purchase price of medical equipment damaged and loss caused to the property as determined by the Court trying the offender.

(4) If the offender has not paid the penal amount under sub-section (1), the said sum shall be recovered under the provisions of the Kerala Revenue Recovery Act, 1864 as if it were an arrear of land revenue due from him.

(5) 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.

*5. Power to make rules.*—(1) The State Government may, by notification in the official Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) Every rule under this Act shall be laid as soon as may be after it is made or issued before the Legislative Assembly for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session to which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decided that the rule should not be made or issued, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

*Statement of Objects and Reasons*

A large number of cases has been reported in recent times of violent attacks against medicare persons and medicare institutions for alleged deficiency of service to the patients who die in hospitals and other health care institutions. Medicare persons and their properties as also Medicare Institutions and their properties are destroyed by miscreants. Therefore, the Medicare patients and the properties of Medicare Institutions need to be protected against illegal action on the part of the persons who take law into their own hands on the spur of the moment and indulge in violent activities. This Bill is intended to prevent violence and the punish the offenders.