

Chhattisgarh Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010

CHHATTISGARH

India

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Act 11 of 2010

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Chhattisgarh Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010(Act No. 11 of 2010)Last Updated 14th October, 2019[Dated 21.05.2010]An Act to provide for the prevention of violence against Medicare Service Persons and Prevention of Damage or Loss to Property of Medicare Service Institutions in the State of Chhattisgarh and for matters connected therewith or incidental thereto.Be it enacted by the Legislature of the State of Chhattisgarh in the Sixty-first Year of the Republic of India, as follows : -

1. Short title, extent and commencement.

(1)This Act may be called the Chhattisgarh Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010.(2)It extends to the whole of the State of Chhattisgarh.(3)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires -(a)"Medical Profession" means profession including all the branches of medical and paramedical sciences, viz., Allopathy, Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (AYUSH) Dentistry, Nursing and Physio-therapy.(b)"Medicare Service Institution" means an institution, providing Medicare Service to people either in Medicare Service Institution or through Mobile Medicare Unit or by arranging medical checkup camps, under the control of the Central Government/State Government/a local

body or any private hospital having facilities for treatment of the sick and used for their reception or stay in 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 person suffering from any sickness, injury or infirmity, whether of body or mind, and providing of treatment or nursing or both of them and includes convalescent home, etc.;

(c) "Medicare Service Person" in relation to Medicare Service Institution means a Registered Medical Practitioner (including provisional registration holder), a registered nurse, a medical student, a nursing student and a paramedical worker and includes any person directly or indirectly employed and working in such institution;

(d) "Mobile Medical Unit" means an ambulance equipped with medical equipment, used for providing Medicare Services;

(e) "Offender" means any person, who either by himself or as a member or leader of a group of persons or organization commits or attempts to commit or abets the commission of violence under this Act;

(f) "Para Medical Worker" means a person, who assists the Medicare Service Person Providing Medicare Services;

(g) "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 Medical Service Person or Medicare Service Institution;

(h) "Student" means a student, who is undergoing training or studies in any branch of medical profession;

(i) "Violence" means an act which causes or may cause any physical harm, injury or endangering the life of Medicare Service Person or criminal intimidation, obstruction to any Medicare Service Person in the discharge of his duty as a Medicare Service Person or causing damage or loss to the property in a Medicare Service Institution.

3. Prohibition of violence.

- Any act of violence against a Medicare Service Person or damage or loss to the property in a Medicare Service Institution, shall be prohibited.

4. Penalty.

- Any offender, who commits or attempts to commit or abets the commission of any act of violence in contravention of the provisions of Section 3, shall be punished with imprisonment which may extend to three years and shall also be liable to fine which may extend to fifty thousand rupees.

5. Cognizance of offence.

- Any offence committed under this Act, shall be cognizable, bailable and triable by the Court of Judicial Magistrate of the First Class.

6. Liability to pay compensation for the loss or damage caused to property.

(1) In addition to the punishment specified in Section 4, the offender shall be liable to pay compensation of twice the amount of damage or loss caused to the property, as may be determined by the Court referred to in Section 5.

(2) If the offender has not paid the compensation imposed

7. Authority to aid and advice victim of medical negligence.

(1)The State Government shall by Notification in the Official Gazette, establish the Authority for the area as may be specified in such notification, to hear and inquire into the grievances of victims of medical negligence or mismanagement and aid or advice the victims on the basis of its findings.(2)The Authority shall consist of experts from the field of medical, law, consumer movement and health management.(3)The conditions of service of the experts mentioned in sub-section (2), and the procedure to be followed by the Authority shall be such as may be specified by the State Government by an order in this behalf.

8. Act not in derogation of any other law.

- 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.

9. Power to make rules.

- The State Government may, by notification make the rules to carry out the provisions of this Act. Every rule made under this Act by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.