

Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008

TAMILNADU

India

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Act 48 of 2008

- Published on 28 November 2008
- Commenced on 28 November 2008
- [This is the version of this document from 28 November 2008.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008(Tamil Nadu Act 48 of 2008)Statement of Objects and Reasons - Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008 (Tamil Nadu Act 52 of 2008). - The Indian Medical Association, Tamil Nadu State Branch and the Tamil Nadu Government Doctors Association have reported the recent incidents of violence against medical practitioners in this State creating a sense of insecurity among them and requested to provide necessary legal protection against such violence.2. The Government have, therefore, decided to bring in a legislation prohibiting violence against medical practitioners including nurses, medical students, nursing students and paramedical workers and the causing of damage or loss to property of the medical institutions in this State, by providing punishment for any such violence against person and property and enabling the court to determine compensation also for damage or loss caused to property of such medical institution so as to enable them to do their noble duty, without fear, for the welfare of the society. Accordingly, the Tamil Nadu Medical Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Ordinance, 2008 (Tamil Nadu Ordinance 3 of 2008) was promulgated by the Governor on the 18th July 2008 and the same was published in the Tamil Nadu Government Gazette Extraordinary, dated the 18th July 2008.3. The Bill seeks to replace the said Ordinance.Published in Part-IV - Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 11th November 2008.Received the assent of the Governor on the 28th November 2008 and published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated 2nd December 2008.An Act to prohibit violence against medicare service persons and damage or loss to property of medicare service institutions and for

matters connected therewith and incidental thereto. Whereas, acts of violence causing injury or danger to life of medicare service persons and damage or loss to the property of medicare service institutions are on the increase in the State creating unrest among medicare service persons resulting in total hindrance of such services in the State; And Whereas, it has become necessary to punish the persons committing violence by making the offence as cognizable and non-bailable and to provide for compensation, for damage or loss caused to the property of medicare service institutions, to be determined by Court; Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows: -

1. Short title and commencement.

(1) This Act may be called the Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008. (2) It shall be deemed to have come into force on the 18th day of July 2008.

2. Definitions.

- In this Act, unless the context otherwise requires, - (1) "medicare service institution" means any institution providing medicare to people which is under the control of the State or the Central Government or local bodies 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 post-natal 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 or convalescent home; (2) "medicare service person" in relation to a medicare service institution shall include, - (a) registered medical practitioners (including a person having provisional registration); (b) registered nurses; (c) medical students; (d) nursing students; (e) para medical workers; employed and working in such medicare service institutions; (3) "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 service person or medicare service institution; (4) "violence" means activities of causing, any harm, injury or endangering the life or intimidation, obstruction or hindrance to any medicare service person while discharging his duty in the medicare service institution or causing damage or loss to the property.

3. Punishment for committing violence.

- Any person either by himself or as a member or as a leader of a group of persons or organization, commits or attempts to commit or abets or incites the commission of any act of violence shall be punished with imprisonment for a term which shall not be less than three years but which may extend to ten years and with fine.

4. Cognizance of offence.

- Any offence committed under section 3, shall be cognizable and non-bailable.

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

(1) In addition to the punishment specified in section 3, the person shall be liable to pay compensation for the damage or loss caused to the property, as determined by the court. (2) If the person has not paid the compensation under sub-section (1), the said sum shall be recovered under the provisions of the Tamil Nadu Revenue Recovery Act, 1864 (Tamil Nadu Act II of 1864) as if it were an arrear of land revenue.

6. Bar of certain proceedings.

- No claim for compensation for the damage or loss caused to the property shall be made by the medicare service person or medicare service institution, before any authority, under the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (Tamil Nadu Act 59 of 1992).

7. Operation of other laws not affected.

- Save as otherwise provided in this Act, the provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

8. Repeal and saving.

(1) The Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Ordinance, 2008 (Tamil Nadu Ordinance 3 of 2008) is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.