

# **Bihar Medical Service Institution and Person Protection Act, 2011**

BIHAR

India

## **Bihar Medical Service Institution and Person Protection Act, 2011**

### **Act 18 of 2011**

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AN ACT Preamble:—To prevent violence against persons related to the Bihar Medical service and damage to property of the Medical Service Institutions of the State of Bihar and for matters connected there with and incidental there to. BE it enacted by the Legislature of the State of Bihar in the Sixty two year of the Republic of India as follows:-

### **1. Short title, extent and commencement.—(1) This Act may be called the Bihar Medical Service Institution and Person Protection Act, 2011.**

(2) It shall extend to the whole of the State of Bihar. (3) It shall come into force at once.

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

(i) “Medical 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 any private nursing home used or intended to be used for the reception or accommodation for persons suffering from any sickness, injury or infirmity whether of body or mind and providing of treatment or nursing or both of them and include the maternity home or convulsion home etc. (ii) Medical service person means the following persons working in Medicare service institutions:—(a) Registered Medical Practitioners, working in Medical Service Institutions (including those having provisional registration); (b) Registered Nurses; (c) Medical Students; (d) Nursing Nurses; (e) Para Medical workers employed and working in Medical Service Institutions; (f) Other Staff; (g) Other establishments within the premises of the Medical Service Institutions supporting its working (iii) “Offender” means all such person who either by himself commits or attempts to commit or abets or, incites the commission of violence under this Act. (iv) “State Government” shall mean Government of Bihar, (v) “Violence” means activities of causing any harm, injury or endangering the life or intimidation, obstruction or hindrance to any Medical service person in discharge of duty or activities causing damage to any property in Medical

Service Institutions.

**3. Offence.—Any act of violence against Medical service persons or damage to property in Medical service institutions shall amount to an offence under this Act:**

Provided that every Medical Service Institution and person shall ensure timely treatment of the patients by adopting all prescribed measures standards with sensitive behavior to the patient. No negligence is caused to the patient by any one: Provided further that every Medical Service Institution and person shall ensure that treatment of the patients are being done according to prescribed norms and procedures: Provided further and that every Medical Service Institution and person shall ensure that reasons for referring the patient to another hospital are made understood / clarified to him and the same are incorporated on the prescription of the patient.

**4. Penalty.—Any offender, who commits an offence as described under section-3, shall be punished with imprisonment for a period of three years and with fine which may extend to fifty thousand rupees and / or action will be taken under Indian Panel Code.**

**5. Cognizance of offence.—Any offence committed under section 3 shall be cognizable and non-bailable.**

**6. Investigation.—Case registered under this Act shall not be investigated by a Police Officer below the rank of Dy. Superintendent of Police .**

**7. Recovery of loss for the damage caused to be property.—(1) 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 twice the loss caused to the property as determined by the court trying the offender.**

(2) If the offender does not pay the penal amount under sub-section (1), the said sum shall be recovered under the provisions of the Bihar & Orissa Public Demands Recovery Act as if it were arrears of land revenue due from him.

**8. Act not in derogation of any other law.—The provisions of the Act shall be in addition to and not in derogation of the provisions of any other law, for the time being in force.**

**9. Rule Making Power.—Without prejudice to the foregoing provisions of this Act, the State Government may make Rules for carrying out purposes of this Act.**

By order of the Governor of Bihar, VINOD KUMAR SINHA, Secretary to Government.