

Delhi Medicare Service Personnel And Medicare Service Institutions (Prevention Of Violence And Damage To Property) Act, 2008

DELHI

India

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Act 8 of 2008

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Delhi Medicare Service Personnel And Medicare Service Institutions (Prevention Of Violence And Damage To Property) Act, 2008[Act No. 08 of 2008][20th October, 2008]An Act to prohibit violence against medicare service personnel and damage to property in medicare service institutions in the National Capital Territory of Delhi and for matters connect therewith or incidental thereto.Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi 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 Delhi Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2008.(2)It extends to the whole of the National Capital Territory of Delhi(3)It shall come into force on such date as the Lieutenant Governor of the National Capital Territory of Delhi may, by notification in the official Gazette appoint

2. Definitions

In this Act, unless the context otherwise requires.-(a)"medicare service Institutions" mean institutions providing medicare to people in any recognized system of medicine, on out patient or inpatient basis, which are under the control of the Government of Delhi or the Central Government or local bodies medicare institutions run by autonomous bodies, clinics, private nursing homes/and

hospitals run by individuals, trusts, societies, companies, etc. and having facilities for diagnosis and/or treatment of the sick, where persons are received and accommodated for the purpose of diagnosis and treatment of sickness, injury, or infirmity whether of body or mind, ante natal and/or post natal care, or anything connected therewith, and include a maternity home or convalescent home;(b)"Delhi" means the National Capital Territory of Delhi;(c)"Government" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of Constitution;(d)"medicare service personnel" in relation to a medicare service institution shall include,-(i)registered medical practitioners;(ii)registered nurses; nursing aids, midwives;(iii)para medical workers, ambulance service providers, and diagnostic services providers;(iv)any other personnel who are working in the premises for the purpose of training, studies etc.:(e)"offender" means any person who 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 violence under this Act;(f)"violence" means activities of causing any harm or injury or endangering life, or intimidation, obstruction or hindrance to any medicare service personnel in discharge of duty in the medicare service institution or damage to property in such institution.

3. Prohibition of violence

Any act of violence against medicare service personnel or damage to property in a medicare service Institution is hereby prohibited.

4. Penalty

Any offender who commits any act 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 ten thousand rupees, or with both.

5. Offences to be cognizable and non-bailable

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence committed under section 3, shall be cognizable and non-bailable.

6. Authority to file complaint

The Head of the medicare service institution where the offence has been committed, or his authorized representative shall have the power to make a complaint under this Act with the law enforcing agency.

7. Court competent to try and take cognizance of offences

(1)No court other than the court of a Metropolitan Magistrate shall take cognizance of, and try an offence under this Act.(2)No court shall take cognizance of an offence under this Act except on a

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report in writing of a police officer, not below the rank of Sub-Inspector.

8. Recovery of loss for the damage caused to the 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 loss caused to the property as determined by the Court trying the offender.(2)If the offender has not paid the penal amount under sub section (1), the said sum shall be recovered as if it were arrears of land revenue due from him.

9. Composition of offences

(1)The Government or any person authorized 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.

10. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the Government or any person or officer authorized by the Government or the Head of a medicare service institution or his authorized representative for anything which is in good faith done or intended to be done under this Act.

11. 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.