

The Rajasthan Medicare Service Persons And Medicare Service Institutions (Prevention Of Violence And Damage To Property) Act, 2008

RAJASTHAN

India

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Act 24 of 2008

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Rajasthan Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2008(Act No. 24 of 2008)Published in Rajasthan Gazette Extraordinary 4 (Ka) Dated 5.8.2008, Page 31(4) and Received the assent of the Governor on the 3rd day of August, 2008An Act to prohibit violence against Medicare Service Persons and Damage to Property in Medicare Service Institutions and for matters connected therewith and incidental thereto.Whereas there have been acts of violence of causing injury or danger to life of Medicare Service Persons and damage to property of Medicare Service Institutions in the State creating unrest in Medicare Professionals resulting an hindrance of such service in the State;And whereas, it has become necessary to prohibit such violent activities by making the offences as cognizable and non-bailable;Now, therefore, be it enacted by the Rajasthan State Legislature 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 Rajasthan Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2008.(2)It extends to the whole of the State of Rajasthan.(3)it shall be deemed to have come into force on and from 4th June, 2008.

2. Definitions.

- In this Act; unless the context otherwise requires,-(1)"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 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 or nursing or both of them and includes a maternity home of convalescent home, etc:(2)"Medicare Service Persons" in relation to a Medicare Service Institutions shall include,-(a)Registered Medical Practitioners, working in Medicare Institutions (including those having provisional registration);(b)Registered nurses;(c)Medical students;(d)Nursing students; and(e)Para medical and other auxiliary workers employed and working in Medicare Service Institutions.(3)"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.(4)"Violence" means activities of 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 patient or damage to property in the Medicare Service Institution.

3. Prohibition of violence.

- Any act of violence against Medical Service Persons or damage to property in a Medical Service Institutions is hereby prohibited.

4. Penalty.

- Any offender who commits any act in contravention of Section 3, shall be punished with imprisonment for a period of three years and with fine, which may extend to fifty thousand rupees

5. Cognizance of offence.

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

6. 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 equipments 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 shall be recovered under the provisions of the Rajasthan Land Revenue Act, 1956 No. 15 of 1956) as if it were an arrear of land revenue due from him.

7. 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.

8. Repeal and Savings.

(1)The Rajasthan Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Ordinance, 2008 (Ordinance No. 2 of 2008) is hereby repealed.(2)Notwithstanding such repeal, all things done, actions taken or orders made under the said Ordinance shall be deemed to have been done, taken or made under this Act.