

Arunachal Pradesh Protection of Medical Service Personnel and Medical Service Institutions (Prevention of Violence and Damage Or Loss of Property) Act, 2019

ARUNACHAL PRADESH

India

Arunachal Pradesh Protection of Medical Service Personnel and Medical Service Institutions (Prevention of Violence and Damage Or Loss of Property) Act, 2019

Act 5 of 2019

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Arunachal Pradesh Protection of Medical Service Personnel and Medical Service Institutions (Prevention of Violence and Damage Or Loss of Property) Act, 2019(Act No. 5 of 2019)Last Updated 19th February, 2020(Received the assent of the Governor on 13th August, 2019)An Act to prohibit violence against Medical service personnel and damage to property in Medical service Institutions and for matters connected therewith and incidental thereto.BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Seventieth-year of the Republic of India as follows :

1. Short title, and Commencement.

(1)This Act may be called the Arunachal Pradesh Protection of Medical Service Personnel and Medical Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2019.(2)It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires : (a)"Medical Service" means the act of providing medical treatment and care including ante-natal and post-natal care relating to child birth or anything connected therewith, or nursing care in any form to persons suffering from any sickness, injury or infirmities whether of body or mind ; (b)"Medical Service Institutions" means any and all institutions, used or intended to be used, for providing Medical services 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 from 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 any other establishments within the premises of the Medical Service Institutions supporting its working, etc.(c)"Medical service personnel in relation to a Medical service institution" shall include; but not limited to : (i) Registered Medical Practitioners, working in Medical Institutions (including those having provisional registration); (ii) Registered nurses ; (iii) Medical students ; (iv) Nursing students ; (v) Para medical staff; (vi) Ancillary supportive staff like ambulance drivers, attendant, peon, chowkidar, sanitary staff etc. (vii) Any other personnel who are working in the premises for the purpose of training, studies, etc. (d) "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 ; (e) "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 Personnel or Medical service institution ; (f) "Violence" means any act which causes or may cause any harm (physically or mentally), injury, endanger the life, intimidation, obstruction or hindrance to any Medical service personnel in discharge of duty in the Medical service institution or damage to property in Medical service institution;

3. Prohibition of violence.

- Any act of violence, mental or physical abuse, against Medical service personnel during or incident to discharge of his lawful duties pertinent to medical and health care delivery within such Medical institutions or in a mobile clinic or in an ambulance shall be prohibited.

4. Penalty.

- Any person, who commits any act in contravention of section 3, shall be punished with imprisonment for a term not less than 3 years which may extend upto 10 years, or with fine which may extend upto 5 lakhs rupees or with both.

5. Cognizance of offence.

- Any offence committed under section 3 shall be cognizable, non-bailable and non-compoundable and triable by the Court of Judicial Magistrate of First Class.

6. Authority to file complaint.

- The Head of the Medical service institution where the offence has been committed, or his authorized representative or victim or his authorized representative shall have the power to make a

complaint under this Act with the law enforcing agency. On receipt of a complaint of an act of violence, the Medicare Service Institution shall prepare a report in "Form I" and submit the same to the District Magistrate and forward a copy thereof to the police officer in charge of the police station having the jurisdiction under which the offence is committed.

7. Court competent to try and take cognizance of offences.

(1) No court other than First class 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 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 pay compensation of twice the purchase price of property damaged and the 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 under subsection (1), the same shall be recovered as if it were an arrear of land revenue. The Government should recover and pay to the aggrieved party.

9. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the Government or any person or officer authorized by the Government or the head of a Medical service institution or his authorized representative for anything which is done in good faith or intended to be done under this Act. Provided that every Medical Service Institution and personnel in such relation, shall ensure timely treatment of the patients by adopting all prescribed measures/standards with sensitive behaviour to the patient. No negligence shall be caused to the patient by any one. Provided further that every Medical Service Institution and personnel in relation to such institution shall ensure that treatments of the patients are being done according to prescribed norms and procedures: Provided further that every Medical Service Institution and personnel shall ensure that reasons for referring of the patient to another hospital are made understood/clarified to him and the same are incorporated on the prescription of the patient.

10. The provisions of this Act shall be in addition to other laws.

- 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.

11. Rule Making Power.

- Without prejudice to the foregoing provisions of this Act, the Government may make rules for carrying out purposes of this Act.

12. Role of state Medical Council.

- Any violence which results in gross medical negligence on the part of a doctor or establishment, shall be referred to the Arunachal Pradesh Medical Council (APMC).

13. Revealing Identity of Doctor.

- Revealing of identity of any accused doctor by police or public or by the media shall be prohibited under this Act unless the doctor in question is convicted. Any violation shall be punishable under imprisonment of either description which shall not be less than 6 months but which may be extended to 2 years and shall also be liable to penalty.

14. Professional Security.

- Immediate professional security shall be provided by the police to the medical establishment and doctor in question so as to avoid any disruption in the services being provided in the establishment to other patients. Form I(See Section 6)Report of incident of an act of violence and damage or loss of property

1. Details of the complainant or aggrieved person

(a)Name of the complainant or aggrieved person:(b)Age:(c)Present Address:(d)Permanent Address:(e)Phone Number:

2. Details of person for whom complaint is made (in case where an aggrieved person is not in a position to make complaint)

(a)Name of the complainant or aggrieved person:(b)Age:(c)Present Address:(d)Permanent Address:(e)Phone Number:

3. Details of incident

(a)Date on which incident occurred:(b)Place of incident:(c)Name of persons involved in violence and damage or loss of property(d)Nature of violence:(e)Details of damage or loss to property(f)Approximate cost of damage or loss incurred to property

4. List of Document(s) attached

5. Assistance

(a)Police assistance, if any, needed by the complainant or aggrieved person(s)(b)Assistance for initiating criminal proceedings and legal aid needed

6. Instructions for the police assisting in registration of a violence and damage or loss report

Note. - 1. Whenever information provided in this Form disclose an offence under the Indian Penal Code or any other Law, the police officer shall inform the aggrieved person that tie can initiate criminal proceedings by lodging a First Information Report under the code of criminal procedure, 1973

2. In case of physical injury or pain reported by the aggrieved person, immediate medical assistance including medical examination shall be provided to the person.

Place:Date:(Signature of competent authority)Name:Address:(Seal)