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PUNJAB VIDHAN SABHA SECRETARIAT

Notification

The 4th September, 2008

No. 13-PLA-2008/40.—The Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Bill, 2008 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly) :—

Bili No. 13-PLA-2008

THE PUNJAB PROTECTION OF MEDICARE SERVICE PERSONS AND
MEDICARE SERVICE INSTITUTIONS (PREVENTION OF
VIOLENCE AND DAMAGE TO PROPERTY)
BILL, 2008

A

BILL

to provide for the protection of Medicare Service Persons and Medicare Service Institutions in the State of Punjab and for prevention of violence and damage to the property and for the matters connected therewith or incidental thereto.

(1833)

BE it enacted by the Legislature of the State of Punjab in the Fifty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2008.

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “Medicare Service Institution” means an institution, providing medicare service either in the Medicare Service Institution or through Mobile Medical Unit or by arranging medical camps, which is under the control of the Central Government or the State Government or a local body including any private hospital having facility of 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 the 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 of nursing or both of them and includes convalescent home ;

(b) “Medicare Service Person” in relation to a Medicare Service Institution, shall include,—

- (i) Registered Medical Practitioner, Registered Practitioner and Practitioner, working in a Medicare Service Institution ;
- (ii) Nurse ;
- (iii) Auxiliary Nurse and Mid-wife ;
- (iv) Nurse-dai ;
- (v) trained dai ;
- (vi) Medical Student ;
- (vii) Nursing Student ;
- (viii) Para Medical Worker ; and

Short title and commencement.

Definitions.

- (ix) other staff or workers directly or indirectly engaged by a Medicare Service Institution for providing the required services ;

Explanation.—For the purpose of this Act, the expressions Registered Medical Practitioner, Medical Practitioner, Practitioner, Nurse, Auxiliary Nurse and Midwife, and trained dai, shall have the same meanings, as assigned to them in the Punjab Medical Registration Act, 1916, the Punjab Nurses Registration Act, 1932, the Punjab Ayurvedic and Unani Practitioners Act, 1963 and the Punjab Homeopathic Practitioners Act, 1965 ;

- (c) “Medical Student” means a student, who is undergoing training or studies in medical profession ;

- (d) “Mobile Medical Unit” means an ambulance, equipped with medical equipment, used for providing medicare services ;

- (e) “Nursing Student” means a student, who is undergoing training or studies in nursing profession ;

- (f) “offender” means any person, who either by himself or as a member or leader of a group of persons or organization commits or attempts to commit or abets or incites the commission of violence ;

- (g) “Paramedical Worker” means a person, who assists the Medicare Service Person providing medicare services ;

- (h) “property” shall include both moveable and immoveable property; and

- (i) “violence” means any act, which causes or may cause any harm, injury or endanger life, obstruct or hinder any Medicare Service Person in the discharge of his duty in a Medicare Service Institution or damage to property in Medicare Service Institution.

3. Any act of violence against a Medicare Service Person or damage to property in a Medicare Service Institution, shall be prohibited. Prohibition of violence.

Penalty.

4. An offender, who commits any act in contravention of the provisions of this Act, shall be punished with an imprisonment, which may extend to one year or with fine, which may extend to fifty thousand rupees or with both.

Cognizance of offence.

5. Any offence committed under this Act, shall be cognizable and non-bailable and shall be triable by the Court of Judicial Magistrate of the First Class.

Recovery of loss for the damage caused to the property.

6. (1) In addition to the punishment as specified in section 4, the offender shall also be liable to pay a penalty of twice the amount of purchase price of medical equipment damaged or 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 penalty, imposed under subsection (1), the same shall be recoverable as arrears of land revenue.

Act not in derogation of any other law.

7. The provisions of this Act shall be in addition to the provisions of any other law, for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The acts of violence of causing injury or danger to life of Medicare Service Persons and damage to property of Medicare Service Institutions are on the increase in the State of Punjab. This is creating unrest in Medicare professionals resulting in hindrance of such services in the State. It has become necessary to prohibit such violent activities, by providing punishment and to impose the penalty to offenders who indulge in violence against Medicare Service Persons or damage to the property of Medicare Service Institutions, by making the offence as cognizable and non-bailable.

PARKASH SINGH BADAL,

Chief Minister, Punjab.

CHANDIGARH :

MADAN MOHAN,

The 4th September, 2008.

Secretary.