

No. 147/XXXVI(3)/2013/17(1)/2013

Dated Dehradun, April 01, 2013

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand Medicare Service Persons and Institutions (Prevention of Violence and Damage to Property) Act, 2013' (Adhiniyam Sankhya 21, of 2013)

As Promulgated by the Governor of Uttarakhand and assented on 28 March, 2013.

**The Uttarakhand Medicare Service Persons and Institutions
(Prevention of Violence and Damage to Property) Act, 2013**

[Uttarakhand Act No. 21 of 2013]

An

Act

to prohibit violence against Medicare Service Persons and damage to Property in Medicare Service Institutions.

Enacted by the Uttarakhand State Legislative Assembly in the Sixty-fourth Year of the Republic of India, as follows :-

**Short title,
Extent and
Commencement**

1. (1) This Act may be called the Uttarakhand Medicare Service Persons and Institutions (Prevention of Violence and Damage to Property) Act, 2013.
- (2) It extends to the whole of the State of Uttarakhand.
- (3) It shall come into force at once.

Definations

2. In this Act, unless the context otherwise requires :-
 - (a) '**Medicare Service Institutions**' means all institutions providing medicare to people or through mobile medical unit or by arranging medical camps, 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 or convalescent home, etc. and an ambulance;

(b) **'Medicare Service Persons'** in relation to a Medicare Service Institutions, shall include :-

- (i) Registered Medical Practitioner, working in Medicare Institutions (including those having provisional registration);
- (ii) Registered Nurses;
- (iii) Auxiliary Nurse Mid-wife and General Nursing Midwife;
- (iv) Trained Dai;
- (v) Medical Students;
- (vi) Nursing Students; and
- (vii) Para medical and other auxiliary workers employed and working in Medicare Service Institutions;

(c) **'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;

(d) **'Property'** shall include both moveable and immoveable property;

(e) **'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.

Prohibition of violence 3. Any Act of violence against, Medicare Service Persons or damage to property in the Medicare Service Institutions is hereby prohibited.

Penalty 4. (1) Whoever commit or attempts to commit any violence under section 3, shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

(2) Any person in addition to the punishment specified in sub-section (1), shall be also liable to a penalty of double of the amount of purchase price of medical equipments damaged and loss caused to the property.

(3) Whoever, having been convicted of an offence under any provision of this Act is again convicted of an offence under the same provision, shall be punish, for the second and for each subsequent offence, with double the penalty provided for that offence.

(4) If the complaint is frivolous or has been made with malafide intention, the competent court after trial may proceed against the complainant under the relevant provisions of the Indian Penal Code, 1860.

(5) If such persons does not pay the penal amount under sub-section (2), the said sum shall be recoverable as arrears of land revenue.

Cognizance of offence 5. Any offence committed under section 3, shall be cognizable and non-bailable and shall be triable by the Court of Judicial Magistrate of the First Class.

Act not in derogation of any other law 6. 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.

Savings

7. Notwithstanding the lapse of the Uttarakhand Medicare Service Persons and Institutions (Prevention of Violence and Damage to Property) Ordinance, 2011 anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order,

D. P. GAIROLA,
Principal Secretary.