

**Maharashtra Medicare Service Persons And Medicare
Service Institutions (Prevention Of Violence And Damage
Or Loss To Property) Act, 2010**

11 of 2010

[28 April 2011]

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In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010 (Mah. Act No. XI of 2010), is hereby published under the authority of the Governor. By order and in the name of the Governor of Maharashtra, H. B. Patel, Secretary to Government, Law and Judiciary Department. (First published, after having received the assent of the Governor in the Maharashtra Government Gazette on the 28th April 2010.) An Act to provide for the prevention of violence against Medicare Service Persons and prevention of damage or loss of property of Medicare Service Institutions in the State of Maharashtra and for matters connected therewith or

incidental thereto. Whereas acts of violence of causing injury or danger to life of Medicare Service Persons and damage or loss to the property of Medicare Service Institutions were on increase in the State creating unrest in Medicare Service Persons and professionals resulting in total hindrance of such services in the State ; And Whereas it had become necessary to provide for the prevention of violence against Medicare Service Persons and prevention of damage or loss of property of Medicare Service Institutions from such violent activities ; And Whereas both Houses of the State Legislature were not in session; And Whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make necessary provisions, for the purposes aforesaid; and, therefore, promulgated the Maharashtra Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage or Loss to Property) Ordinance, 2010, on the 17th February 2010; And whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

(i) This Act may be called the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2010.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 17th February 2010.

2. Definitions :-

In this Act, unless the context otherwise requires:-

(a) " Medicare Service Institution " means an institution, providing medicare service to people either in Medicare Service Institution or through Mobile Medicare Unit or by arranging medical check up camps, under the control of the State Government or the Central Government, or a local body including any private hospital having facilities for treatment of the sick and used for their reception or stay in 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

person suffering from any sickness, injury or infirmity, whether of body or mind, and providing of treatment or nursing or both of them and includes convalescent home ;

(b) "Medicare Service Person", in relation to Medicare Service Institution, shall include:-

(i) Registered Medical Practitioner, Practitioner or Registered Practitioner (including a person having provisional registration) working in a Medicare Service Institution other than the public servant within the meaning of section 21 of the Indian Penal Code;

(ii) Registered Nurse, registered under the Maharashtra Nurses Act, 1966, other than the public servant within the meaning of section 21 of the Indian Penal Code;

(iii) Medical Student;

(iv) Nursing Student; and

(v) Para-Medical Worker and other member staff or worker directly or indirectly employed by a Medicare Service Institution for providing required services other than the public servant within the meaning of section 21 of the Indian Penal Code.

Explanation:- For the purpose of this Act, the expression Registered Medical Practitioner, Practitioner or Registered Practitioner, Nurse, shall have the same meanings, as assigned to them in the Maharashtra Medical Practitioners Act, 1961, the Maharashtra Medical Council Act, 1965, the Bombay Homoeopathic Practitioners Act, 1959 and the Maharashtra Nurses Act, 1966;

(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 under this Act;

(g) "Para-Medical Worker" means a person, who assists the Medicare Service Person providing medicare services;

(h) "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 Medicare Service Person or Medicare Service Institution;

(i) " Violence" means an act, which causes or may cause any harm, injury or endangering the life of, or intimidation, obstruction or

hindrance to, any Medicare Service Person in discharging his duty in a Medicare Service Institution or causing damage or loss to the property in a Medicare Service Institution.

3. Prohibition Of Violence :-

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

4. Penalty :-

Any offender, who commits or attempts to commit or abets or incites the commission of any act of violence in contravention of the provisions of section 3, shall be punished with imprisonment which may extend to three years and with fine, which may extend to fifty thousand rupees.

5. Cognizance Of Offence :-

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

6. Liability To Pay Compensation For Loss Or Damage Caused To Property :-

(1) In addition to the punishment specified in section 4, the offender shall be liable to pay compensation of twice the amount of damage or loss caused to the property, as may be determined by the Court referred to in section 5.

7. Authority To Aid And Advise Victims Of Medical Negligence :-

(1) The State Government shall, by notification in the Official Gazette, establish the Authority for the area as may be specified in such notification, to hear grievances of victims of medical negligence or mismanagement and to aid and advise such victims for taking recourse to an appropriate forum for suitable relief.

(2) The Authority shall consist of experts one each from the field of medical, law, consumer movement and health management.

(3) The conditions of service of the experts mentioned in subsection (2), and the procedure to be followed by the Authority shall

be such as may be specified by the State Government by an order in this behalf.

8. 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.

9. Repeal Of Mah. Ord. 1 Of 2010 And Saving :-

(1) The Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Ordinance, 2010, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.