



**The Delhi Medicare Service Personnel and Medicare Service Institutions
(Prevention of Violence and Damage to Property) Act, 2008**

Act 8 of 2008

Keyword(s):

Medicare Service Institution, Medicare Service Personnel, Offender, Violence,

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कार्य के लिए सरकार या किसी व्यक्ति या सरकार द्वारा प्राधिकृत अधिकारी या किसी चिकित्सा सेवा संस्थान के अध्यक्ष या उसके प्राधिकृत प्रतिनिधि के विरुद्ध कोई अभियोग या अन्य कानूनी कार्यवाही नहीं की जाएगी।

11. अधिनियम, किसी अन्य कानून की अवज्ञा नहीं—
इस अधिनियम के उपबंध अतिरिक्त होंगे तथा तत्समय प्रचलित किसी अन्य कानून के उपबंधों की अवज्ञा नहीं करेंगे।”

सविता राव, संयुक्त सचिव

No. F. 14(6)/LA-2008/lelaw/124-133.—The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the Lt. Governor of Delhi on the 20th October, 2008 and is hereby published for general information :—

The Delhi Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2008

(Delhi Act 08 of 2008)

[20th October, 2008]

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 11th September, 2008).

An Act to prohibit violence against medicare service personnel and damage to property in medicare service institutions in the National Capital Territory of Delhi and for matters connect therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi 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 Delhi Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2008.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Lieutenant Governor of the National Capital Territory of Delhi may, by notification in the official Gazette appoint.

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

(a) “medicare service institution” mean institutions providing medicare to people in any recognized system of medicine, on out patient or inpatient basis, which are under the control of the Government of Delhi or the Central Government or local bodies, medicare institutions run by autonomous bodies, clinics, private nursing homes/and hospitals run by individuals, trusts, societies, companies, etc. and having facilities for diagnosis and/or treatment of the sick, where persons are received and accommodated for the purpose of diagnosis and treatment of sickness,

injury, or infirmity whether of body or mind, ante-natal and/or post natal care, or anything connected therewith, and include a maternity home or convalescent home;

(b) “Delhi” means the National Capital Territory of Delhi;

(c) “Government” means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of Constitution;

(d) “medicare service personnel” in relation to a medicare service institution shall include,—

(i) registered medical practitioners;

(ii) registered nurses, nursing aids, midwives;

(iii) para medical workers, ambulance service providers, and diagnostic services providers;

(iv) any other personnel who are working in the premises for the purpose of training, studies, etc.;

(e) “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;

(f) “violence” mean activities of causing any harm or injury or endangering life, or intimidation, obstruction or hindrance to any medicare service personnel in discharge of duty in the medicare service institution or damage to property in such institution;

3. Prohibition of violence.—Any act medicare of violence against service personnel or damage to property in a medicare service institution is hereby prohibited.

4. Penalty.—Any offender who commits any act in contravention of Section 3, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both.

5. Offences to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any offence committed under Section 3, shall be cognizable and non-bailable.

6. Authority to file complaint.—The Head of the medicare service institution where the offence has been committed, or his authorized representative shall have the power to make a complaint under this Act with the law enforcing agency.

7. Court competent to try and take cognizance of offences.—(1) No court other than the court of a

basis or otherwise and the terms and conditions of the contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.

(2) A copy of the contract referred to in sub-section (1) shall be lodged with the University and a copy thereof shall be furnished to the employee concerned.

29. **Provident and pension funds.**—(1) The University shall constitute for the benefit of its employees such provident fund or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed.

30. **Disputes as to the constitution of the University authorities and bodies.**—If any question arises as to whether any person has been duly selected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.

31. **Filling of casual vacancies.**—All casual vacancies among the members (other than ex-officio members) of any authority or other body of the University shall be filled, as soon as may be convenient by the person or body who appoints, elects or co-opts the members whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills, would have been a member.

32. **Proceedings of the University authorities or bodies not invalidated by vacancies.**—No act or proceedings of any authority or other body shall be invalidated merely by reason of the existence of any vacancy or vacancies among its members.

33. **Protection of action taken in good faith.**—No suit or other legal proceedings shall lie in any court against the University or against any authority, officer or employee of the University or against any person or body of persons acting under the order or direction of any authority or officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or the Statutes or the Ordinances.

34. **Mode of proof of University record.**—A copy of any receipt, application, notice, order, proceedings, resolution of any authority or committee of the University, or other documents in the possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar shall, notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or in any other law for the time being in force, be admitted as evidence of the matters and transactions specified therein, where the original thereof would, if produced, have been admissible in evidence.

35. **Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette,

make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

36. **Transitional provisions.**—Notwithstanding anything contained in this Act and the Statutes, the first Board of Governors shall be nominated by the Chancellor and shall hold office for a term of five years.

37. **Statutes and Ordinances to be published in the Official Gazette and to be laid before the Legislative Assembly of Delhi.**—(1) Every Statute and Ordinance made under this Act shall be published in the Official Gazette.

(2) Every Statute and Ordinance made under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of Delhi while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the Statute or the Ordinance of the House agrees that the Statute or the Ordinance should not be made, the Statute or the Ordinance, shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or amendment shall be without prejudice to the validity of anything previously done under that Statute or Ordinance.

सं. फा. 14(6)/एल.ए.-2008/एलई लॉ/124133. - उपरान्तपाल, दिल्ली की दिनांक 20 अक्टूबर, 2008 को मिली अद्वितीय को पश्चात् राष्ट्रीय राजधानी क्षेत्र दिल्ली को विधान सभा द्वारा गरित निम्नलिखित अधिनियम जनसाधारण को सूचनाथे प्रकाशित किया जाता है :-

“दिल्ली चिकित्सा देखभाल सेवा कार्मिक एवं चिकित्सा सेवा संस्थान (हिंसा एवं सम्पत्ति की क्षति की रोकथाम) अधिनियम, 2008

(2008 का दिल्ली अधिनियम 08)

[20 अक्टूबर, 2008]

(राष्ट्रीय राजधानी क्षेत्र दिल्ली की विधान सभा द्वारा दिनांक 11 सितम्बर, 2008 को यथापरित)

राष्ट्रीय राजधानी क्षेत्र दिल्ली में चिकित्सा देखभाल सेवा कार्मिकों के विरुद्ध हिंसा रोकने के लिए और चिकित्सा सेवा संस्थाओं को सम्पत्ति की क्षति की रोकथाम के लिए एवं उनसे संबंधित या उनसे आनुगमिक नियमों के लिये अधिनियम

भारत गणराज्य के उनसठवें वर्ष में राष्ट्रीय राजधानी क्षेत्र दिल्ली को विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

1. संक्षिप्त शीर्षक, विस्तार एवं प्रारम्भ.—(1) इस अधिनियम का संक्षिप्त शीर्षक दिल्ली चिकित्सा देखभाल सेवा कार्मिक

Metropolitan Magistrate shall be 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 a penalty of twice the amount of purchase price of medical equipment 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 sum shall be recovered as if it were arrears of land revenue due from him.

9. Composition of offences.—(1) The Government or any person authorized by the Government by general or special order in this behalf, may either before or after the

Institution of the proceedings, compound an offence punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

10. 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 medicare service institution or his authorized representative for anything which is in good faith done or intended to be done under this Act.

11. Act not in derogation any other law.—The provision 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.

SAVITA RAO, J. Secy

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