LAW DEPARTMENT

NOTIFICATION

The 13th February 2009

No. 2415/I-Legis.48/2009—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 3rd February, 2009 is hereby published for general information.

ORISSA ACT 10 OF 2009

THE ORISSA MEDICARE SERVICE PERSONS AND MEDICARE SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGE TO PROPERTY) ACT, 2008

AN ACT TO PREVENT VIOLENCE AGAINST MEDICARE SERVICE PERSONS AND DAMAGE TO PROPERTY OF MEDICARE SERVICE INSTITUTIONS AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Whereas, acts of violence causing injury or danger to life of Medicare Service Persons and damage to property of Medicare Service Institutions are rampant in the State causing unrest in Medicare professionals resulting in serious hindrance in such services in the State;

And whereas, it has become necessary to prevent such violent activities by making it as a cognizable and non-bailable offence.

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

Short title and extent.

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

(*2*) It extends to the whole of the State of Orissa.

Definitions

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

(a) "Medicare Service" means the act of providing medical treatment and care including antenatal and postnatal care in connection with child birth or anything connected therewith, or nursing care in any form to, persons suffering from sickness, injury or infirmities whether of body or mind;

(b) "Medicare Service Institutions" means a medical college, a hospital by whatever name called or such other institution providing Medicare Service to the people, which is established and managed by, or under the control of, the State Government or Central Government or any local authority;

(c) "Medicare Service Person" in relation to Medicare Service Institution, means a registered Medical Practitioner (including provisional registration holder), a registered Nurse, a Medical Student, a Nursing Student and a Para-medical Worker and includes any person employed and working in such institution; and

(d) "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.

Violence against Medicare Service Person and damage to property.

3. Whoever,—

(a) commits an act of violence against a Medicare Service Person; or

(b) causes any damage to the property of any Medicare Service Institution,

shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees.

Cognizability of offence.

4. An offence punishable under section 3 shall be cognizable and non-bailable.

Recovery of loss for damage to the property.

5. (1) In addition to the punishment provided in section 3, the court shall, when passing judgement, order the accused person to pay, by way of compensation, such amount as may be specified in the order for the damage or loss caused to the property of the Medicare Service Institution :

Provided that in case of damage or loss caused to the medical equipment, the quantum of compensation shall not be less than the amount of purchase price of such equipment.

(2) Where the order of compensation made under sub-section (1) is not paid, the same shall be recovered under the provisions of the Orissa Public Demands Recovery Act, 1962 from the accused person as if it were an arrear of land revenue.

Orissa Act 1 of 1963.

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.

By order of the Governor

B. K. NAYAK
Principal Secretary to Government