

Extra No. 13



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The Gujarat Government Gazette

EXTRAORDINARY

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April, 2012 is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 2012.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 11th April, 2012.)

AN ACT

to prohibit violence against medicare service persons and damage or loss of property in medicare service institutions and for the matters connected therewith and incidental thereto.

WHEREAS the acts of violence of causing injury or danger to life of medicare service persons and damage or loss of property of medicare service institutions have been on increase in the State causing unrest in medicare service persons and professionals resulting in hindrance of such services in the State;

AND WHEREAS it has become necessary to prohibit such violence against medicare service persons and prevention of damage or loss of property of medicare service institutions from such violent activities in the public interest;

It is hereby enacted in the Sixty-third Year of the Republic of India, as follows:-

Short title,
extent and
commencement.

1. (1) This Act may be called the Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2012.

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

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

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

- (a) "damage" means impairment of the usefulness or value of the property or causing harm to such property;
- (b) "hospital and medical records" means all such documents or records accumulated or maintained by hospital authority or any medical authority ranging from records of historic interest to any acknowledgments;
- (c) "medicare service institution" means all institutions providing medicare services to people under any recognised system of medicine which are under the control of the State Government, Central Government or local bodies, etc. including any private hospital having facilities for treatment of 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 or nursing or both of them and includes a maternity home or convalescent home or mobile medicare unit;
- (d) "medicare service persons" in relation to a medicare service institution shall include,-
 - (i) Registered Medical Practitioners (including a person having provisional registration) working in a medicare service institution;
 - (ii) Nurses registered under the Gujarat Nurses, Midwives and Health Visitors Act, 1968;
 - (iii) Auxiliary Nurse and Mid-wife;
 - (iv) Trained *Dai*;

- (v) Medical student;
- (vi) Nursing student;
- (vii) para medical staff and other staff or employee directly or indirectly employed by a medicare service institution for providing required services;

- (e) "medical student" means a student who is undergoing training or studies in medical profession;
- (f) "mobile medical unit" means an ambulance or any vehicle equipped with medical equipment, used for providing medicare service;
- (g) "nursing student" means a student who is undergoing training or studies in nursing profession;
- (h) "offender" means any person who either by himself or as a member or as a leader of a group of persons or organisation commits or attempts to commit or abets or incites the commission of violence under this Act;
- (i) "para medical staff" means a person who assists the medicare service person in providing medicare service;
- (j) "property" means any property, movable or immovable including tangible or intangible (subject to the provisions of Information Technology Act, 2000), or hospital and medical records or medical equipment or medical machinery or any such property as owned by or in possession of, or under the control of any medicare personnel or medicare service institution;
- (k) "violence" means an act or activity causing harm or which may cause any harm, injury or endangering the life or intimidation, obstruction or hindrance to any medicare service person in discharge of duty in a medicare service institution or patient or causing damage or loss to the property in a medicare service institution.

21 of 2000.

3. No person shall indulge in any act of violence against medicare service person or damage or loss to property in a medicare service institution. Prohibition of violence.

4. Any offender who commits any act or attempts to commit or abets or incites the commission of any act of violence 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 fifty thousand rupees or with both. Penalty.

5. Any offence committed under this Act shall be cognizable and non-bailable. Cognizance of offence.

Liability to pay compensation for damage or loss caused to property.

6. (1) In addition to the punishment specified in section 4, the offender shall also be liable to pay compensation, within such time limit as the Court may prescribe, in terms of penalty of twice the market price of such medical equipment damaged and loss caused to the property, as may be determined by the Court.

(2) If the offender does not pay the compensation under sub-section (1), the said sum shall be recovered under the provisions of the Gujarat Land Revenue Code, 1879 as an arrear of land revenue.

Bom. V of
1879.

Power to make rules.

7. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid, for not less than thirty days, before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Compounding of offences.

8. (1) The Government or any person authorised 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.

Protection of action taken in good faith.

9. No suit, prosecution or other legal proceeding shall lie against the Government or any person or officer authorised by the Government or the Head of a medicare service institution or his authorised representative for anything which is in good faith done or intended to be done under this Act.

Act not in derogation of any other law.

10. 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.



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PART IV-A

Rules and Orders (Other than those published in Part I, I-A and I-L) made by the Government of Gujarat under the Central Acts.

HEALTH AND FAMILY WELFARE DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 20th September, 2012.

GUJARAT MEDICARE SERVICE PERSONS AND MEDICARE SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGE OR LOSS OF PROPERTY) ACT, 2012.

GP No.16, HSP-132012-1908-A.- In exercise of the powers conferred by sub-section (3) of section 1 of the Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2012, the Government of Gujarat hereby appoints the 21st September, 2012 as the date on which the said Act shall come in to the force.

By order and in the name of the Governor of Gujarat,

KAMLESH SHAH,
Under Secretary to Government.



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PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

HEALTH AND FAMILY WELFARE DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 29th December, 2012

Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2012.

GP No.18, HSP-132012-1908-A :- In exercise of the powers conferred by section 8 of the Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2012 (Guj 13 of 2012), the Government of Gujarat hereby authorizes the Chief District Medical Officer or in case where Chief District Medical Officer (CDMO) post is not in existence, Superintendent of Hospital as a Compounding Officer for the jurisdiction of the concerned district.

By order and in the name of the Governor of Gujarat,

MAHESH SONI,

Deputy Secretary to Government.

HEALTH AND FAMILY WELFARE DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 29th December, 2012

Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2012.

GP NO.19, HSP-132012-1908-A :- In exercise of the powers conferred by section 7 of the Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and

Damage or Loss of Property) Act, 2012 (Guj 13 of 2012), the Government of Gujarat hereby makes the following rules, namely:-

1. These rules may be called the Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Rules, 2012.
2. In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Gujarat Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2012, (Guj 13 of 2012);
 - (b) "Complaint" means any allegation made orally or in writing by any person to the Competent Authority;
 - (c) "Competent Authority" means Head of the Medicare Service Institution;
 - (d) "Form" means a Form appended to these rules;
 - (e) "section" means a section of the Act;
 - (f) Words and expression used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.
3. Any person, who has reason to believe that an act of violence to Medicare Service Persons working in Medicare Service Institution and damage or loss of property has been, or is being, or is likely to be committed in Medicare Service Institution may give complaint about it to the Competent Authority having jurisdiction in the area.
4. On receipt of a complaint of an act of violence to Medicare Service persons working in the Medicare Service Institution and damage or loss of Property to Medicare Service Institution, the Competent Authority shall prepare a report in "Form 1" and submit the same to the District Magistrate and forward a copy thereof to the police officer in charge of the police station having the jurisdiction under which the offence is committed.
5. In a case where the Competent Authority receives reliable information through email, or a telephone call or from an aggrieved person or from a person who has reason to believe that an act of violence to Medicare Service persons working in the Medicare Service Institution and damage or loss of property to Medicare Service Institution has been or, is being, or is likely to be committed and in such emergency situation, the Competent Authority, shall seek immediate assistance of the police authority of the concerned police station who shall accompany the competent authority, to the place of incident and record the details of incident and present the same to the District Magistrate without any delay for seeking appropriate order under the Act.
6. The Chief District Medical Officer (CDMO) shall act as a Compounding officer for the jurisdiction of the concerned district wherein the offence, is committed. If the post of CDMO is not in existence in that case Superintendent of Hospital shall be Compounding Officer for this purpose.
7. The Commissioner of Health, Medical Services and Medical Education, Gujarat State shall monitor the cases under the Act and send quarterly report to the Health and Family Welfare Department of the State Government.

"FORM-I"

(See rule 4)

Report on Incident of an act of violence and damage or loss of property.

1	Details of the complainant or aggrieved person
	• Name of the complainant or aggrieved person:-
	• Age :-
	• present Address:-
	• permanent address:-
	• Phone number
2	Details of person for whom complaint is made, (In case where an aggrieved person is not in a position to make complaint);
	• Name :-
	• Age :-
	• Relationship, if any, with the aggrieved person :-
	• Address :-
	• Phone Number :-
3	Details of Incident
	• Date on which incident occurred :-
	• Place of incident:-
	• Name of persons involved in violence and damage or loss to property:-
	• Nature of violence:-
	• Details of damage or loss to property:-
	• Approximate cost of damage or loss incurred to property :-
4	List of Document attached
5	(a) Police Assistance, if any, needed by the complainant or aggrieved persons:- (b) Assistance for initiating criminal proceedings and legal aid needed
6	Instruction for the police assisting in registration of a violence and damage or loss report
	(Signature of Complainant/aggrieved person)

Note:- (1) Whenever information provided in this Form disclose an offence under the Indian Penal Code or any other Law, the police officer shall inform the aggrieved person that he can initiate criminal proceedings by lodging a First Information Report under the Code of Criminal Procedure, 1973 (2 of 1973).

(2) In case of physical injury or pain reported by the aggrieved person, immediate medical assistance including medical examination shall be provided to the person.

Place:-

(Signature of Competent authority)

Date:-

Name:-

Address:-

(Seal)

By order and in the name of the Governor of Gujarat,

MAHESH SONI,
Deputy Secretary to Government.