



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

***THE GOA MEDICARE SERVICE PERSONNEL AND
MEDICARE SERVICE INSTITUTIONS (PREVENTION OF
VIOLENCE AND DAMAGE OR LOSS TO PROPERTY) BILL,
2013***

(Bill No. 24 of 2013)

(As Introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM GOA
OCTOBER, 2013**

A

BILL

to provide for the prevention of violence against Medicare Service Personnel and prevention of damage or loss to property of Medicare Service Institutions in the State of Goa and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India, as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the Goa Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2013.

(2) It shall extend to the whole of the State of Goa.

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

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

(a) "Government" means the Government of Goa;

(b) "Medicare Service Institution" means,-

(i) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium or an organization or an institution by whatever name called that provides services in any recognized system of medicine and having facilities requiring diagnosis and/or treatment or care for illness, injury, deformity, abnormality, pregnancy or first aid, emergency medical services or any other medical services, either within its premises or through mobile medical unit or medical checkup camps or otherwise, or

(ii) a place established as an independent entity or part of an institution referred to in sub-clause (i), in connection with the diagnosis and treatment of diseases where pathological, bacteriological, genetic, radiological, chemical, biological investigations or other diagnostic or

investigative services with the aid of laboratory or other medical equipment, are usually carried on,

owned, controlled or managed by, -

- (a) the Central, or State Government; or
- (b) a trust, whether public or private; or
- (c) a corporation (including a society) registered under a Central, or State Act, whether owned by the Central, or State Government or not; or
- (d) a local authority; or
- (e) a medical practitioner;

(c) “Medicare Service Personnel”, in relation to a medicare service institution, shall include,-

- (i) registered medical practitioner;
- (ii) registered nurses, nursing aids, mid wives;
- (iii) Medical Students;
- (iv) Nursing Students; and
- (v) para-medical workers, ambulance service providers, and diagnostic services providers;
- (vi) any other personnel who are working in the medicare service institution for the purpose of training, studies etc;

(d) “medical student” means a student, who is undergoing training or studies in medical profession;

(e) “mobile medical unit” means an ambulance equipped with medical equipment, used for providing medicare services;

(f) “nursing student” means a student, who is undergoing training or studies in nursing profession;

(g) “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;

(h) “para-medical worker” means a person, who assists the Medicare Service Personnel for providing medicare services;

(i) “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 Personnel or Medicare Service Institution;

- (j) “section” means section of this Act;
- (k) “violence” means an act, which causes or may cause any harm, injury or intimidation or obstruction or hindrance to or endangers the life of, any Medicare Service Personnel while discharging his duty in a Medicare Service Institution or which causes damage or loss to the property in a Medicare Service Institution.

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

4. Punishment for attempt to commit violence. - Whoever commits violence or abets or incites the commission of violence against medicare service personnel or causes damage or loss to the property of medicare service institution shall, upon conviction 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.

5. Offence to be cognizable and non-bailable. - Any offence punishable under this Act shall be cognizable and non-bailable.

6. 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 pay compensation 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 compensation imposed under sub-section (1), the same sum shall be recovered as if it were arrears of land revenue, due from him.

(3) Any person who is convicted under section 4 of this Act shall deposit such sum of money as specified below, with the Court of the Judicial Magistrate First class. This sum shall remain with the Court until disposal of the case,-

- i. in the event of an assault on any Medicare Service Personnel resulting in a simple injury not requiring absence from duty, Rs. 50,000.00;
- ii. in the event of an assault on any Medicare Service Personnel resulting in a simple injury requiring a period of absence from duty, Rs. 75,000.00;
- iii. in the event of an assault on any Medicare Service Personnel resulting in grievous injury, requiring a period of absence from duty Rs. 1,00,000.00.

(4) In the event the accused is found not guilty by the Court of the Judicial Magistrate First class, the sum deposited with the Court under Sub-section 3 of section 6 above shall be returned to the person.

(5) If the accused is found guilty then this sum shall be adjusted against any fines, penalties imposed by the court of the Judicial Magistrate.

7. Committee to aid and advise victims of medical negligence-

- (1) The Government shall, by notification in the *Official Gazette*, constitute the Committee 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 Committee 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 Committee shall be such as may be specified by the Government by an order in this behalf.

8. Provision of this Act to be in addition to any other law for the time being in force- Nothing in this Act shall be deemed to affect the operation of any other law and the rules made thereunder and the provisions of this Act shall be in addition to

and not in derogation of the provisions of such other law and rules made thereunder.

9. Power to make rules- The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Statement of Objects and Reasons

It has 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 activity. The Bill seeks to provide for the prevention of violence against Medicare Service Personnel and prevention of damage or loss to property of Medicare Service Institutions from such violent activities. This Bill seeks to achieve above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause of the Bill empowers the Government to make rules for carrying out the purposes of the Act.

This delegation is of normal character.

Porvorim, Goa.
27/09/2013

LAXMIKANT Y. PARSEKAR
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27/09/2013

N.B. SUBHEDAR
Secretary (Legislature)