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രകസവനസരപനളര(അകമവരസസതതനളളനരശവരതടയർ)
ആകക"published under the authority of the Governor.]

ACT 14 OF 2012

THE KERALA HEALTHCARE SERVICE PERSONS AND HEALTHCARE SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGE TO PROPERTY) ACT, 2012*

*An Act to prohibit violence against healthcare service persons and to prevent
damage and loss to property in healthcare service institutions and for matters
connected therewith or incidental thereto.*

Preamble.—WHEREAS, it is expedient to prohibit violence against healthcare
service persons and to prevent damage and loss to property in healthcare service
institutions and to provide for matters connected therewith or incidental thereto;

BE, it enacted in the Sixty-third year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala
Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence
and Damage to Property) Act, 2012.

(2) It shall be deemed to have come into force on the 26th day of August, 2010.

2. *Definitions.*—¹[(1)] In this Act, unless the context otherwise requires,—

(a) "healthcare service institutions" means all institutions providing healthcare
to people which are under the control of the State or the Central Government or Local
Bodies etc., including any private hospital having facilities for treatment of the 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 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 treatment or nursing or both of them and include a maternity home,
convalescent home, clinic, residence and consulting rooms of healthcare service persons;

* Received the assent of the Governor on the 23rd day of July, 2012 and published in the Kerala
Extraordinary Gazette No.1559 dated 23rd July, 2012.

¹ Numbered by Act 22 of 2023 (w.e.f. 24.05.2023).

(b) "healthcare service persons" in relation to a healthcare service institution
shall include,—

- (i) Registered Medical Practitioners, working in healthcare service
institutions, including those having provisional registration;
- (ii) Registered Nurses;
- (iii) Medical Students;
- (iv) ¹[Nursing Students and Para Medical Students;];

²[(v) Para Medical Workers, Security Guards, Managerial Staff, Ministerial Staff, Ambulance Drivers and Helpers employed and working in healthcare service institutions; and]

(c) “offender” means any person who, either by himself or as a leader or as a member of a group of persons or organisations, commits or attempts to commit or abets or incites the commission of violence under this Act;

⁴[(ca) “prescribed” means prescribed by rules made under this Act;]

(d) “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 healthcare service person or healthcare service institution;

(e) “violence” means activities causing any harm, injury or endangering the life or intimidation, obstruction or hindrance, to any healthcare service person in discharge of duty in any healthcare service institution or damage or loss to property in healthcare service institutions.

⁵[(2) The words and expressions used but not defined in this Act and defined in the Indian Penal Code (Central Act 45 of 1860) or the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), as the case may be, shall have the meaning respectively assigned to them in those Codes.]

3. *Prohibition of violence.*— Any Act of violence against healthcare service persons or damage or loss to property in a healthcare service institution is hereby prohibited.

1 Substituted by Act 22 of 2023 (w.e.f. 24.05.2023).

2 Substituted by Act 22 of 2023 (w.e.f. 24.05.2023).

3 Added by Act 22 of 2023 (w.e.f. 24.05.2023).

4 Added by Act 22 of 2023 (w.e.f. 24.05.2023).

5 Inserted by Act 22 of 2023 (w.e.f. 24.05.2023).

4. *Penalty and other consequence for violation of section 3.*—¹[(1) Whoever,—

(i) commits or attempt to commit or abets or incites the commission of an act of violence as defined in clause (e) of sub-section (1) of section 2 shall on conviction be punished with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees;

(ii) while committing an act of violence against a healthcare service person causes grievous hurt as defined in section 320 of the Indian Penal Code, 1860 to such person shall on conviction be punished with imprisonment for a term which shall not be less than one year but which may extend to seven years and with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees.]

(2) In addition to the punishment specified in sub-section (1), the offender shall be liable to pay to the healthcare service institution ²[or healthcare service person, as the case may be,] a compensation of twice the amount of purchase price of medical equipment damaged and the loss caused to the property as may be determined by the Court trying the offence.

(3) If the offender has not paid the compensation under sub-section (2), the said sum shall be recovered under the provisions of the Kerala Revenue Recovery Act, 1968 (15 of 1968), as if it were an arrear of land revenue due from him.

³[(4) Any offence under sub-section (1) shall be cognizable and non-bailable.]

⁴[4A. *Investigation etc. to be completed expeditiously.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

(i) any case registered under this Act shall be investigated by a police officer not below the rank of Inspector and the investigation of such cases shall be completed within a period of sixty days from the date of registration of First Information Report;

(ii) in every inquiry or trial of a case under this Act, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the same beyond the following days to be necessary for reasons to be recorded,

1 Substituted by Act 22 of 2023 (w.e.f. 24.05.2023).

2 Inserted by Act 22 of 2023 (w.e.f. 24.05.2023).

3 Substituted by Act 22 of 2023 (w.e.f. 24.05.2023).

4 Added by Act 22 of 2023 (w.e.f. 24.05.2023).

and an endeavour shall be made to ensure that the inquiry or trial is concluded within a period of one year:

Provided that where the trial is not concluded within the said period, the court shall record the reasons for not having done so:

Provided further that the said period may be extended by such further period, for reasons to be recorded in writing, but not exceeding six months at a time.

(iii) for the purpose of providing speedy trial, the State Government shall, with the concurrence of the High Court, by notification in the Official Gazette, designate in each District a Sessions Court as a Special Court to try the offences under this Act;

(iv) for every Special Court the State Government may, by notification in the Official Gazette, designate Special Prosecutor for the purpose of conducting cases in that court.]

5. *Acts to be in addition to and 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.

6. *Responsibility of healthcare service institutions to give complete information of medical treatment.*—It shall be the responsibility of each healthcare service institution to furnish, in writing, the complete information about medical treatment provided by such healthcare service institutions, to the patients who seek treatment in the said institutions or to their relatives.

7. *Power to make rules.*—(1) The Government may, by notification in the official Gazette, make rules for the purposes of carrying out the provisions of this Act.

¹[(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) deployment of adequate security personnel etc.;

(b) installation of CCTV camera and other safety and security devices/equipments;

(c) arrangement of control rooms and alarm systems etc.;

- (d) display of important informations addressing stake holders;
- (e) evolving protocols as to the manner in which healthcare service persons in relation to healthcare institutions are to be protected/behaved; and

1 Added by Act 22 of 2023 (w.e.f. 24.05.2023).

(f) any other matter which is required to be or may be prescribed under this Act.]

1[(3)] Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case maybe; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

8. *Repeal and Saving.*—(1) The Kerala Healthcare Service Persons and Healthcare Service Institutions (Prevention of Violence and Damage to Property) Ordinance, 2012 (27 of 2012) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.

(3) Notwithstanding anything contained in this Act no person alleged to have committed an offence, during the period from the 13th day of July, 2011 to the 2[11th day of February, 2012], is liable to be convicted under this Act.

1 Renumbered by Act 22 of 2023 (w.e.f. 24.05.2023).

2 Vide Erratum No.16133/Leg.H1/2011/Law dated 23.08.2012 and published in Kerala Extraordinary Gazette No.1743 dated 23.08.2012.