

THE UTTAR PRADESH MEDICARE SERVICE PERSONS AND MEDICARE
SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGE TO
PROPERTY) ACT, 2013
[U.P. ACT NO. 16 OF 2013]

ARRANGEMENT OF SECTIONS

SECTIONS

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No. 1032(2)/LXXIX-V-1-13-1(Ka)10-2013

Dated Lucknow, September 26, 2013

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Chikitsa Paricharya Seva Karmi Aur Chikitsa Paricharya Seva Sanstha (Hinsa Aur Sampatti Ki Dshati Ka Niwaran) Adhinyam, 2013 (Uttar Pradesh Adhinyam Sankhya 16 of 2013) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 24, 2013:-

THE UTTAR PRADESH MEDICARE SERVICE PERSONS AND MEDICARE
SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE
AND DAMAGE TO PROPERTY) ACT, 2013

[U.P. ACT NO. 16 OF 2013]

(As passed by the Uttar Pradesh Legislature)

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 Medical 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 in the State of Uttar Pradesh by making it as a cognizable and non-bailable offence.

It is HEREBY enacted in the sixty-fourth year of the Republic of India as follows:-

Short title and commencement 1. (1) This Act may be called the Uttar Pradesh Medicare title- Service Persons and Medicare Service institutions (Prevention of Violence and Damage to Property) Act, 2013.

(2) It shall be deemed to have come into force on May 20, 2013.

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, a Community Health Centre, Primary Health Centre, Health Centre by whatever name called or such other institutions providing Medicare Service to the people, which is established and managed by, or under the control of, the State Government or the Central Government or any local authority or any private Hospital/Nursing Home, Clinic and Maternity Centre registered with Uttar Pradesh Medical and Health Department;
- (c) "Medicare Service person" in relation to a 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;
- (d) "Violence" means such activities as are causing any harm, injury or endangering the life or intimidation, obstruction or hindrance to any Medicare Service person in discharge of duty in or outside a Medicare Service Institution;
- (e) "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 person or Medicare Service Institution;
- (f) "Emergency Medical Transport Service" means all mobile medical units or medical ambulances equipped with medical equipment, used for providing Medicare Services.

Violence 3. Whoever,-

against (a) commits an act of violence against a Medicare Service

Medicare person; or

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

Service person and Institution;

damage to shall be punished with imprisonment for a term which may
property extend to three years or with fine which may extend to fifty
thousand rupees or with both.

Cognizability 4. An offence punishable under section 3 shall be
cognizable of offence and non-bail able.

Recovery of 5. (1) In addition to the punishment provided under section 3,
the

loss for court shall, when passing judgment, order that the accused
damage to person shall be liable to a penalty of twice the amount of
the property purchase price of medical equipment damaged and loss
caused to the property of the Medicare Service Institution.

(2) Where the order of compensation made under sub-section (1) is not paid, the same shall be recovered under the provisions of the U.P. Land Revenue Act, 1950 from the accused person as if it were an arrear of land revenue .

Act not in 6. The provisions of this Act shall be in addition to, and not
derogation of in derogation of the provisions of any other law for the time
any other being in force.
law

U.P. Ordinance 7. (1) The Uttar Pradesh Medicare Service Persons and no. 6 of
2013 Medicare Service Institutions (Prevention of Violence and
Repeal and Damage to Property) Ordinance, 2013 is hereby repealed.
saving

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

It had been brought to the notice of the State Government that acts of violence causing injury or danger to the life of Medical Service persons and damage to the property of Medicare Service Institutions are rampant in the State causing unrest in Medicare professionals resulting in serious hindrance on such services in the State. With a view to preventing such violent activities in the State of Uttar Pradesh it was decided to make a law to provide that the acts of violence against a registered medical practitioner working in a Medicare Service Institution including provisional registration holder, a registered Nurse, a Medical Student, a Nursing Student, a Para-medical Worker and any person employed and working in such Institution causing any damage to the property of any Medicare Service Institution shall be cognizable and non-bail able offence and the guilty person shall be liable to 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 and that the accused person shall be liable to pay a penalty of twice the amount of purchase-price of medical equipment damaged and loss caused to the property of the Medicare Service Institution in addition to the said punishment.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision the Uttar Pradesh Medicare Service Persons and Medicare Service Institution (Prevention of Violence and Damage to Property) Ordinance, 2013 (U.P. Ordinance no. 6 of 2013) was promulgated by the Governor on May 20, 2013.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
S.K. PANDEY,
Pramukh Sachiv.

