

Kolkata



Gazette

Extraordinary
Published by Authority

BHADRA 12]

THURSDAY, SEPTEMBER 3, 2009

[SAKA 1931

PART III—Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1423-L.—3rd September, 2009.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XI of 2009

**THE WEST BENGAL MEDICARE SERVICE PERSONS AND
MEDICARE SERVICE INSTITUTIONS (PREVENTION OF
VIOLENCE AND DAMAGE TO PROPERTY) ACT, 2009.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 3rd September, 2009.]

An Act to prohibit violence against medicare service persons and damage to property in medicare service institutions and for matters connected therewith and incidental thereto.

WHEREAS it is expedient to prohibit violence against medicare service persons and damage to property in medicare service institutions and for matters connected therewith and incidental thereto since acts of violence causing injury or danger to life of medicare service persons and damage to property of medicare service institutions are on the increase in the State creating unrest in medicare professionals resulting in total hindrance of such services in the State;

It is hereby enacted in the Sixtieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title, extent
and commencement.

1. (1) This Act may be called the West Bengal Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2009.

(2) It extends to the whole of the State of West Bengal.

(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,—

(1) “medicare service institutions” means the institutions providing medicare to people which are under the control of State Government or Central Government or Local Bodies, including any private hospital having facilities

*The West Bengal Medicare Service Persons and Medicare Service Institutions
(Prevention of Violence and Damage to Property) Act, 2009.
(Sections 3-7.)*

for treatment of the sick and used for their reception or stay; any private maternity home where women are usually 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;

- (2) "medicare service persons" in relation to a medicare service institution shall include—
- (a) registered medical practitioner, working in medicare service institutions (including those having provisional registration);
 - (b) registered nurses;
 - (c) medical students;
 - (d) nursing students; and
 - (e) paramedical workers or any other person employed and working in medicare service institutions;
- (3) "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;
- (4) "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;
- (5) "violence" means activities of causing any harm, injury or endangering the life or intimidation, obstruction or hindrance to any medicare service person while discharging his duty in the medicare service institution, or damage to property in medicare service institution.

Prohibition of violence.

3. Any act of violence against medicare service persons or damage to property in a medicare service institution is hereby prohibited.

Penalty.

4. Any offender who commits any act in contravention of section 3, shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees.

Cognizance of offence.

5. Any offence committed under section 3, shall be cognizable and non-bailable.

Recovery of loss for the damage caused to the property.

6. (1) In addition to the punishment specified in section 4, the offender shall be liable to pay compensation for the damage or loss caused to the property, as determined by the court trying the offender.

(2) If the offender has not paid the compensation under sub-section (1), the said sum shall be recovered under the provisions of the Bengal Public Demands Recovery Act, 1913, as if it were an arrear of land-revenue due from him.

Ben. Act III
of 1913.

Act not in derogation of any other law.

7. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law.

By order of the Governor,

ASHIM KUMAR ROY,
Secy.-in-charge to the Govt. of West Bengal,
Law Department.