

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

No. 48 of 2008—Tamil Nadu Medicare Service Persons and Medicare Service Institutions

(Prevention of Violence and Damage or Loss to Property) Act

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 28th November 2008 and is hereby published for general information:—

ACT No. 48 OF 2008.

An Act to prohibit violence against medicare service persons and damage or loss 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 medicare service persons and damage or loss to the property of medicare service institutions are on the increase in the State

creating unrest among medicare service persons resulting in total hindrance of such services in the State;

AND WHEREAS, it has become necessary to punish the persons committing violence by making the offence as cognizable and non-bailable and to provide for compensation, for damage or loss caused to the property of medicare service institutions, to be determined by court;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2008.

(2) It shall be deemed to have come into force on the 18th day of July 2008.

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

(1) “medicare service institution” means any institution providing medicare to people which is under the control of the State or the Central Government or local bodies 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 any sickness, injury or infirmity whether of body or mind, and providing of treatment for nursing or both of them and includes a maternity home or convalescent home;

(2) “medicare service person” in relation to a medicare service institution shall include,—

(a) registered medical practitioners (including a person having provisional registration);

(b) registered nurses;

(c) medical students;

(d) nursing students;

(e) para medical workers;

employed and working in such medicare service institutions;

(3) "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;

(4) "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 causing damage or loss to the property.

3. Any person either by himself or as a member or as a leader of a group of persons or organization, commits or attempts to commit or abets or incites the commission of any act of violence shall be punished with imprisonment for a term which shall not be less than three years but which may extend to ten years and with fine.

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

5. (1) In addition to the punishment specified in section 3, the person shall be liable to pay compensation for the damage or loss caused to the property, as determined by the court.

(2) If the person has not paid the compensation under sub-section (1), the said sum shall be recovered under the provisions of the Tamil Nadu Revenue Recovery Act, 1864 as if it were an arrear of land revenue.

6. No claim for compensation for the damage or loss caused to the property shall be made by the medicare service person or medicare service institution, before any authority, under the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

7. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

8. (1) The Tamil Nadu Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Ordinance, 2008 is hereby repealed.

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

(By order of the Governor)

S. DHEENADHAYALAN,

Secretary to Government,

Law Department.