

[Translation in English of the “2012-ലെ കേരള ആരോഗ്യരക്ഷാ സേവന പ്രവർത്തകരും ആരോഗ്യ രക്ഷാ സേവന സ്ഥാപനങ്ങളും (അക്രമവും സ്വത്തിനുള്ള നാശവും തടയൽ) ആക്റ്റ്” 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 health care 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.*—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 Gazette Extraordinary No.1559 dated 23rd July, 2012.

(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) Nursing Students;
- (v) Paramedical Workers employed and working in medical service institutions;

(c) "offender" means any person who, either by himself or as a leader or as a member or of a group of persons or organisations, commits or attempts to commit or abets or incites the commission of violence 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.

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

4. *Penalty and other consequence for violation of section 3.*—(1) Any offender who commits any act in contravention of section 3, shall be punishable with imprisonment for a period which may extend to three years and with fine which may extend to fifty thousand rupees.

(2) In addition to the punishment specified in sub-section (1), the offender shall be liable to pay to the healthcare service institution 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.

(4) Any offence committed under section 3 shall be cognizable and non-bailable.

5. *Act 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.

(2) 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 may be; 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 11th day of February, 2011, is liable to be convicted under this Act.