

The Tripura Act No. 5 of 2013.

**THE TRIPURA MEDICARE SERVICE PERSONS AND
MEDICARE SERVICE INSTITUTIONS
(PREVENTION OF VIOLENCE AND DAMAGE TO PROPERTY)
ACT, 2013.**

***Published
in the Extraordinary Issue of Tripura Gazette***

Agartala, Wednesday, October 9, 2013 A. D. Asvina 17, 1935 S. E.

**GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA**

No.F.8(4)-Law/Leg-I/2013

Dated, Agartala, the 9th October, 2013.

The following Act of the Tripura Legislative Assembly received the assent of the Governor on 08-10-2013 and is hereby published for General Information.

**D. M. JAMATIA.
L.R & SECRETARY, LAW.
GOVERNMENT OF TRIPURA**

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

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 ;

BE it enacted by the Tripura Legislative Assembly in the sixty-fourth year of Republic of India, as follows:-

**Short title,
extent and
commencement**

1. (1) This Act may be called “The Tripura Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to property) Act, 2013”.
- (2) It extends to the whole of the State of Tripura.
- (3) It shall come into force on the date of its publication in the official Gazette.

Definition

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 the institutions providing Medicare to people which are under the control of State Govt. or Central govt. 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 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 ;

(c) "medicare service persons" in relation to a Medicare service institution shall include –

- (i) registered medical practitioner, working in medicare service institutions (including those having provisional registration);
- (ii) registered nurses;
- (iii) medical student;
- (iv) nursing students; and
- (v) paramedical workers;

(d) "medical student" means a student, who is undergoing training or studies in medical profession, on duty;

(e) "nursing student" means a student, who is undergoing training or studies in nursing profession on duty;

(f) "offender" means any person who 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 violence under this Act;

(g) "para medical worker" means a person, who assists the medicare service person providing medicare services, on duty;

(h) "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 ;

(i) "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.

**Violence
against
Medicare
Service Person
and damage to
property**

3. Whoever -
- (a) commits an act of violence against a medicare service person; or
 - (b) causes any damage to the property of any medicare service institution,
- shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to fifty thousand rupees.

Penalties

4. An offence punishable under section 3 shall be cognizable and non-bailable.

**Recovery of
loss for
damage to the
property**

- 5.(1) In addition to the punishment specified in section 3, 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.

Provided that in case of damage or loss caused to the medical equipment, the quantum of compensation shall not be less than the amount of purchase price of such equipment.

- (2) If the offender has not paid the penal amount under sub-section (1), the said sum shall be recovered under the provisions of the Tripura Public Demands Recovery Act, 2000, as if it were an arrear of land-revenue due from him.

**Authority to
aid and advice
victims of
medical
negligence**

- 6.(1) The State Government shall by notification in the Official Gazette, establish the Authority for the area, as may be specified in such notification, to hear the grievance of victims of medical negligence or mismanagement and to aid and advice such victims for taking recourse to an appropriate forum for suitable relief;

- (2) The Authority shall consist of experts one each from the field of medical, law, consumer movement and health management;

(3) The conditions of service of the experts mentioned in sub-section (2) and the procedure to be followed by the authority shall be as such as may be prescribed by the State Government by an order in this behalf.

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, for the time being in force.

D.M. Jamatia
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Government of Tripura