

MANIPUR



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

MEDICAL SUPERINTENDENT OFFICE
THE HOSPITAL, IMPHAL, MANIPUR
Receipt No.: 6901
Date: 23/7/24
Time:

No. 1150

Imphal, Thursday, February 18, 2016

(Magha 29, 1937)

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, February 18, 2016

No. 2/34/2015-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on February 10, 2016 is hereby published in the Official Gazette :

THE MANIPUR MEDICARE SERVICE PERSONNEL AND MEDICARE SERVICE INSTITUTIONS (PREVENTION OF VIOLENCE AND DAMAGE TO PROPERTY) ACT, 2015
(MANIPUR ACT NO. 3 OF 2016)

AN

ACT

to prevent violence against medicare service personnel and damage to property to medicare service institutions in the State of Manipur and for matters connected therewith or incidental thereto.

BE it enacted by the Legislature of Manipur in the Sixty-sixth year of the Republic of India as follows:

1. (1) This Act may be called the Manipur Medicare Service Personnel and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2015.

Short title,
extent and
commencement

(2) It shall extend to the whole of the State of Manipur.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

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Definitions 2. In this Act, unless the context otherwise requires:-

- (a) "medicare service institutions" means institutions providing medicare to people or providing diagnostic service to people, which are under the control of State Government or Central Government or local bodies or medicare service institutions operated by autonomous bodies or trusts or individuals including maternity homes, clinics, hospitals, nursing homes, diagnostic centres;
- (b) "medicare service personnel" includes registered medical practitioners, medical students, registered nurses, nursing students, nursing aids, midwives, paramedical workers, ambulance service providers, diagnostic service providers and any other personnel who work in the premises of medicare service institutions for the purpose of training or studies;
- (c) "medical student" means a student, who is undergoing training or studies in medical profession;
- (d) "nursing student" means a student, who is undergoing training or studies in nursing profession;
- (e) "offender" means any person who either himself/herself or as a member of a group of persons or organisation commits or attempts to commit or abets or incites the commission of violence;
- (f) "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;
- (g) "State" means the State of Manipur;
- (h) "violence" means activities of causing harm or injury or endangering life or intimidation, obstruction or hindrance to medical service personnel or causing damage to the property of medical service institution.

3. Any act of violence against medicare service person or damage or loss of property in a medicare service institution, shall be prohibited. **Prohibition of violence**
4. Any offender, who commits or attempts to commit or abets or incites the commission of any act of violence in contravention of the provisions of section 3, shall be punished with imprisonment which may extend to three years, and with fine which may extend to fifty thousand rupees. **Penalty**
5. Any offence committed under this Act, shall be cognizable and non-bailable and triable by a Court of the Chief Judicial Magistrate. **Cognizable offence**
6. (1) In addition to the punishment specified in section 4, the offender shall be liable to pay compensation of twice the amount of damage or loss caused to the property, as may be determined by the Court. **Liability to pay compensation for loss or damage caused to property**
- (2) If the offender has not paid the compensation imposed under subsection (1), the same sum shall be recovered as if it was a fine imposed by a Court of law under Code of Criminal Procedure, 1973.
7. The head of medicare service institution where the offence has been committed or his authorized representative shall be competent to make a complaint under this Act with the law enforcing authority. **Authority to file complaint**
8. (1) Whenever there is a violence against the medicare service or loss of property in a Medicare Institution, the Head of the Medicare Institution shall immediately report to the State Government in the Health Department with full particulars of the incident. **Medical negligence**
- (2) On receipt of such above report, the State Government shall make an enquiry as to the cause of the incident as well as to identify the person/persons involved in such incident.
- (3) On enquiry, if a medicare service personnel or health care provider or authority of the health care centre is found responsible for commission of medical negligence under this Act, he shall also be deemed to have committed an offence under this Act
9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. **Provisions to be in addition to existing laws**

Protection of
action taken in
good faith

10. No suit, prosecution or other legal proceedings shall lie against any officer of the State Government for anything which is in good faith done or intended to be done under this Act.

Power to remove
difficulties

11. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions or give such directions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.