

No. Z.28013/22/2019-MS  
Government of India  
Ministry of Health & Family Welfare  
Department of Health & Family Welfare  
(Medical Services Division)

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Nirman Bhawan, New Delhi  
Dated: 2nd September, 2019

**NOTICE**

**Subject: Draft Legislation titled “The Healthcare Service Personnel and Clinical Establishments (Prohibition of violence and damage to property) Bill, 2019” – regarding**

Ministry of Health and Family Welfare, Government of India proposes to formulate a legislation to address the issue of violence against the healthcare service professionals and damage to property of clinical establishments. A Legislation titled as “The Healthcare Service Personnel and Clinical Establishments (Prohibition of violence and damage to property) Bill, 2019” has been prepared.

2. It has been decided to solicit objections and suggestions from public with regard to said draft legislation before the finalisation of the draft Bill. The objections/suggestions may be forwarded within 30 days from the date of issue of this notice by email at [us-ms-mohfw@nic.in](mailto:us-ms-mohfw@nic.in) or to Shri. Rajeev Attri, Under Secretary (Medical Services Division), Ministry of Health and Family Welfare, Room No. 514(B), A-Wing, Nirman Bhawan, New Delhi-110011. Only the comments received on the above-mail/ address and/or within the period of 30 days shall be taken into consideration.

**Encl: Draft Bill.**

*Rajeev Attri*  
24/9/2019

(Rajeev Attri)

Under Secretary to the Govt. of India

Tel: 011-23061883

(राजीव अत्री)  
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अधीन सूचना/Under Secretary  
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Ministry of Health & Family Welfare  
निरमन भवन/Govt. of India  
New Delhi/New Delhi

**THE HEALTHCARE SERVICE PERSONNEL AND CLINICAL ESTABLISHMENTS (PROHIBITION OF VIOLENCE AND DAMAGE TO PROPERTY) BILL, 2019.**

**A  
BILL**

**to prohibit violence against healthcare service personnel and damage or loss to property of clinical establishments and for matters connected therewith and incidental thereto.**

WHEREAS, acts of violence causing injury or danger to life of healthcare service personnel and damage or loss to the property of clinical establishments are on the increase in the country creating unrest among healthcare service personnel resulting in hindrance to healthcare services in the country;

AND WHEREAS, to protect healthcare service personnel and property of clinical establishments against violence, it has become necessary to prohibit such acts of violence, to provide for punishment by making such acts of violence as cognizable and non-bailable offence and to provide compensation for injury to healthcare service personnel or for causing damage or loss to the property of clinical establishments;

BE it enacted by Parliament in the Seventieth Year of the Republic of India, as follows:

**CHAPTER I**

**PRELIMINARY**

**1. Short title, extent, application and commencement –**

(1) This Act may be called the Healthcare Service Personnel and Clinical Establishments (Prohibition of violence and damage to property) Act, 2019.

- (2) It extends to the whole of the India.
- (3) It applies to clinical establishments as defined in clause (a) of section 3 and registered under the Clinical Establishments (Registration and Regulation) Act, 2010 or under any State Act for the time being in force.
- (4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Application of other laws not barred-** The provisions of this Act shall be in addition to, and not, save as otherwise expressly provided, in derogation of any other law for the time being in force.

**3. Definitions-** In this Act, unless the context otherwise requires—

(a) “clinical establishment” means-

- (i) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium or an institution by whatever name called that offers services, facilities requiring diagnosis, treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognized system of medicine established and administered or maintained by any person or body of persons, whether incorporated or not; or
- (ii) a place established as an independent entity or part of an establishment referred to in sub-clause (i), in connection with the diagnosis or treatment of diseases where pathological, bacteriological, genetic, radiological, chemical, biological investigations or other diagnostic or investigative services with the aid of laboratory or other medical equipment, are usually carried on, established and administered or maintained by any person or body of persons, whether incorporated or not;

and shall include a clinical establishment owned, controlled or managed

by -

- (A) the Government or a department of the Government; or a Public Sector Undertaking or Autonomous Body of the Government;
- (B) a trust, whether public or private;
- (C) a corporation (including a society) registered under a Central, or Provincial or State Act, whether or not owned by the Government;
- (D) a local authority; and
- (E) a single doctor,

Explanation:

- i. For the purposes of this clause, an ambulance or a mobile medical unit shall be deemed to be a clinical establishment if such vehicle is fitted with medical equipment and is used for providing healthcare service.
- (b) "healthcare service personnel" in relation to a clinical establishment, shall include-
- (i) A registered medical practitioner, possessing a recognized medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956, and enrolled in a State Medical Register as defined in clause (k) of that section;
  - (ii) a medical practitioner registered for practising in any other system of medicine which is recognized under any law for the time being in force;
  - (iii) a registered dentist, registered dental hygienist and registered dental mechanic as defined in clause (I) of Section 2 of the Dentist's Act, 1948;
  - (iv) a registered nurse, midwife, auxiliary nurse-midwife and health visitor who is registered as such under section 15A of the Indian Nursing Council Act, 1947;
  - (v) a medical student who is undergoing education or training in any system of medicine recognized by any law for the time being in force;

- (vi) a nursing student who is undergoing education or training in nursing profession;
  - (vii) a para-medical workers, para-medical student and diagnostic services provider; and
  - (viii) ambulance driver and helper,
- (c) “section ” means a section of the Act;
- (d) “violence” means an act which causes or may cause....
- i. harm, injury, hurt, grievous hurt, intimidation to, or danger to the life of, a healthcare service personnel in discharge of duty, either within the premises of a clinical establishment or otherwise; or
  - ii. obstruction or hindrance to a healthcare service personnel in discharge of duty, either within the premises of a clinical establishment or otherwise;
  - iii. loss of or damage to any property or documents in a clinical establishment;
- (e) Words and expression used herein and not defined, but defined in Indian Penal Code or in the code of criminal procedure, 1973 shall have the meanings respectively assigned to them in those Codes.

## CHAPTER II

### OFFENCES AND PENALTIES

- 4. Prohibition of violence-** No person shall indulge in any act of violence against a healthcare service personnel or cause any damage or loss to any property in a clinical establishment.
- 5. Offences and penalties:** (1) Whoever commits violence or abets or incites commission of violence against any healthcare service personnel

or abets or incites or causes damage or loss to any property of a clinical establishment, shall, upon conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend to five years, and with fine, which shall not be less than fifty thousand rupees but which may extend to five lakh rupees;

(2) Whoever, while committing violence as referred to in sub-section (1), causes grievous hurt as defined in section 320 of the Indian Penal Code to any healthcare service personnel, shall, upon conviction, 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, which shall not be less than two lakh rupees, but which may extend to ten lakh rupees.

**6. Information of offence-** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, upon a written request of the aggrieved healthcare service personnel, it shall be mandatory for the person in charge of a clinical establishment to inform the officer in charge of the concerned police station of the commission of an offence under this Act.

**7. Offence to be cognizable and non-bailable-** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable.

**8. Investigation of offence-**Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any case registered under this Act shall be investigated by a police officer not below the rank of Deputy Superintendent of Police.

**9. Compensation for acts of violence -**

(1) In addition to the punishment provided for the offence under section 5, the convicted person shall be liable to pay, by way of compensation

(i) an amount, twice the amount of fair market value of the damaged property or the loss caused, as may be determined by the court;

(ii) one lakh rupees for causing hurt to healthcare service personnel and five lakh rupees for causing grievous hurt to healthcare service personnel.

(2) If the convicted person does not pay the compensation granted under sub-section (1), the said sum shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890.