

**THE HIMACHAL PRADESH MEDICARE SERVICE PERSONS AND  
MEDICARE SERVICE INSTITUTIONS (PREVENTION OF  
VIOLENCE AND DAMAGE TO PROPERTY), ACT, 2009**

**ARRANGEMENT OF SECTIONS**

Sections:

1. Short title and commencement.
2. Definitions.
3. Penalty.
4. Cognizance of offence.
5. Act not in derogation of any other law.

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**THE HIMACHAL PRADESH MEDICARE SERVICE PERSONS AND  
MEDICARE SERVICE INSTITUTIONS (PREVENTION OF  
VIOLENCE AND DAMAGE TO PROPERTY), ACT, 2009**

**(ACT NO. 5 OF 2010)<sup>1</sup>**

(Received the assent of the Governor on the 16<sup>th</sup> February, 2010 and was published both in Hindi and English in Rajpatra, Himachal Pradesh, dated 19<sup>th</sup> February, 2010, pp. 6805-6810).

**An Act to provide for prevention of violence against Medicare Service Persons and damage to property in medicare service institutions and for matters connected therewith or incidental thereto.**

*Amended, repealed or otherwise affected by,-*

H.P. Act No. 9 of 2017<sup>2</sup>, assented to by the Governor on the 1<sup>st</sup> June, 2017, published in the Rajpatra, Himachal Pradesh on the 6<sup>th</sup> June, 2017, pp. 1995-1997).

**BE** it enacted by the Legislative Assembly of Himachal Pradesh in the Sixtieth Year of the Republic of India as follows:-

**1. Short title and commencement.-** This Act may be called the Himachal Pradesh Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2009.

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1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see Rajpatra, Himachal Pradesh, dated 23<sup>rd</sup> December, 2009, pp.5967 and 5969-5970.
  2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 7<sup>th</sup> April, 2017, pp. 117-117 and 119-120.

(2) It shall come into force on such date<sup>1</sup> as the State Government may, by notification in the Official Gazette, appoint.

**2. Definitions.-** 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 Institution” means a medical college and hospital by whatever name called or such other institution providing Medicare Service to the people, which is established and managed by, or under the control of, the State Government or Central Government or local bodies;
- (c) “Medicare Service Person” in relation to Medicare Service Institution, means a registered Medical Practitioner including provisional registration holder, a registered Nurse, a Medical Student, a Nursing Student and a Para-Medical Worker and includes any person employed and working in such institution;
- (d) “violence” means activities of causing any harm, injury or endangering the life or intimidation, obstruction or hindrance to any Medicare Service Person in discharge of duties in the Medicare Service Institution; and
- (e) “damage to property” means any loss or defacement or deduction in value of property.

**3. Penalty.-** (1).Whoever commits an act of violence against a Medicare Service Person or causes any damage to the property of any Medicare Service Institution, shall, on conviction, be punished with imprisonment for a term which may extend to <sup>2</sup>[three year] or with fine which may extend to five thousand rupees.

(2) In addition to the penalty specified under sub-section (1), the offender shall be liable to pay, by way of compensation, such amount as may be determined by the court in the judgment for damages or loss caused to the property of Medicare Service Institution.

(3) Where the amount of compensation as determined under sub-section (2) is not paid, the same shall be recovered as arrears of land revenue.

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1. Act came into force from 1<sup>st</sup> April, 2010 vide Notification No. HFW-B(A)2-1/2008, dated 1<sup>st</sup> April, 2010, published in the Rajpatra, Himachal Pradesh dated 3<sup>rd</sup> April, 2010, p. 63.

2. Substituted for the words “one year” vide H.P. Act No. 9 of 2017.

<sup>1</sup>**[4. Cognizance of offence.**- (1) Any offence committed under this Act shall be cognizable and non-bailable.

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by the officer authorized by the Government, by notification, in this behalf.]

**5. Act 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.

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1. Section 4 substituted vide H.P. Act No. 9 of 2017.