

STATEMENT

On account of the rampant increase in the attacks on Medicare Service Persons by some patients, their relatives and caretakers causing injury or danger to life of Medicare Service Persons and damage or loss to property of Medicare Service Institutions, which at times result in total hindrance of such services, there was a strong demand from the All India Medical Association and many other State Level Associations to check the recurrence of such incidents. In order to effectively curb the occurrences of such incidents in the State and to protect and safeguard the Medicare Service Persons and property of Medical Service Institutions, the Government of Maharashtra has considered it expedient to enact a special law. It is proposed to punish the offenders, who indulge in violence against Medicare Service Persons or damage or loss to the property of Medicare Service Institutions with punishment of imprisonment which may extend to three years and shall also be liable to fine which may extend to fifty thousand rupees. It is also proposed to recover compensation for damage or loss caused to the property of the Medicare Service Institution twice the amount of damage or loss caused. It is also proposed to establish an authority consist of experts one each from the field of medical, law, consumer movement and health management to hear grievances 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 Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss to Property) Bill, 2008 (L.A. Bill No. LVIII of 2008), was introduced in the Winter session of the State Legislature on the 17th December 2008, however, the said Bill could not be passed by the State Legislature, as the session of the State Legislature was prorogued on the 30th December 2008. The Government, therefore, feels it necessary to have such law immediately.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make necessary provisions, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 30th March 2009.

S. C. JAMIR,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

M. N. GILANI,
Principal Secretary and Remembrancer of Legal Affairs.