

Bill No. 105 of 2023

THE HEALTHCARE PROFESSIONALS (PROTECTION FROM
VIOLENCE AND HARASSMENT) BILL, 2023

By

SHRI HIBI EDEN, M.P.

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BILL

*to provide for the protection of healthcare professionals from violence,
harassment, and acts of aggression in the course of their duty and
for matters connected therewith or incidental thereto.*

WHEREAS violence, harassment and acts of aggression against healthcare professionals have become a growing concern in the country, posing a threat to their physical and mental wellbeing, thereby affecting the quality of healthcare services in the country.

AND WHEREAS the existing laws to deal with such incidents are inadequate and require a comprehensive legislation to protect healthcare professionals from such violence and harassment.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Healthcare Professionals (Protection from Violence and Harassment) Act, 2023.

(2) It shall extend to the whole of India. 5

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

Definitions.

2. In this Act, unless the context otherwise requires,—

(1) “healthcare professional” means any person who is registered under any law for the time being in force and is involved in the delivery of healthcare services, including doctors, nurses, pharmacists, and other medical and paramedical staff; 10

(2) “hospital” means any institution, whether run by the Government or private, which provides healthcare services to the public;

(3) “patient” means any person who seeks healthcare services from a healthcare professional; 15

(4) “violence” means any act of physical or mental harm, including verbal abuse, threats, intimidation, or damage to property, which is committed against a healthcare professional in the course of their duty; and

(5) “harassment” means any unwanted conduct, which has the purpose or effect of violating the dignity of a healthcare professional in the course of their duty. 20

Offence of
violence and
harassment
against
healthcare
professionals.

3. (1) Whoever commits an act of violence or harassment against a healthcare professional in the course of his duty shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to rupees five lakh. 25

(2) The punishment provided under sub-section (1) shall be in addition to any other punishment provided for the offence under any other law for the time being in force.

Protection and
compensation
for healthcare
professionals.

4. (1) Any healthcare professional who is a victim of violence or harassment in the course of his duty shall be entitled to protection and compensation under this Act. 30

(2) The Central Government shall establish a mechanism to provide protection and compensation to healthcare professionals who are victims of violence or harassment in the course of their duty in such manner as may be prescribed. 35

(3) The compensation provided under sub-section (2) shall be in addition to any other compensation payable under any other law for the time being in force.

Obligations of
hospitals.

5. Every hospital shall, :—

(a) take all necessary measures to prevent violence and harassment against healthcare professionals in the course of their duty; 40

(b) establish a mechanism for reporting incidents of violence and harassment against healthcare professionals; and

(c) provide necessary support and assistance to healthcare professionals who are victims of violence or harassment in the course of their duty.

5 **6.** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Act shall be cognizable and non-bailable.

Cognizance and investigation of offences.

(2) No court shall take cognizance of an offence under this Act except on a complaint made by the victim or the hospital where the victim was employed or associated.

10 **7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.**

Central Government to provide funds.

15 **8.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

20 (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

25 (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

The healthcare professionals of our country are the backbone of our healthcare system, and their safety and security is of paramount importance to ensure that quality healthcare services are available to the people. The instances of violence and harassment against healthcare professionals are increasing at an alarming rate, which poses a serious threat to their physical and mental wellbeing, and also affects the quality of healthcare services in the country.

According to a survey, close to seventy-five per cent. of doctors in the country had faced physical abuse of some kind, and demands for a comprehensive legislation to check violence against healthcare professionals have been growing louder. The existing laws to deal with such incidents were weak and inadequate, and there is a need for a stringent law to prevent such incidents.

The proposed Bill aims to provide a comprehensive legal framework for the protection of healthcare professionals from violence and harassment in the course of their duty. The Bill seeks to define the offences of violence and harassment against healthcare professionals and provides for stringent punishment for the same.

The Bill also provides for the establishment of a mechanism for the protection and compensation of healthcare professionals who are victims of violence or harassment, and imposes obligations on hospitals to prevent and report such incidents.

In view of the above, it is proposed to enact a law to ensure the safety and security of healthcare professionals in the country and to maintain the quality of healthcare services.

Hence this Bill.

NEW DELHI;

HIBI EDEN

March 9, 2023.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the Central Government to provide compensation to all the healthcare professionals who are victim of violence or harassment in the court of his duty. Clause 6 provides for the Central Government to provide funds for carrying out the purpose of this Act.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that about rupees five hundred crore will be incurred per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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