

**Bill No. 173 of 2019**

THE PROTECTION OF MEDICAL AND HEALTH SERVICE  
PROFESSIONALS FROM ASSAULT, CRIMINAL FORCE  
AND INTIMIDATION BILL, 2019

By

SHRI GAUTAM GAMBHIR, M.P.

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BILL

*to provide for protection of Medical and health service professionals against assault,  
use of criminal force and intimidation and for matters connected therewith or  
incidental thereto.*

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

1. (1) This Act may be called the Protection of Medical and Health Service Professionals from Assault, Criminal Force and Intimidation Act, 2019.

Short title  
and  
commencement.

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

Definitions.

**2.** (1) In this Act, unless the context otherwise requires:—

(a) "medical and health service institution" means an institution providing medical and health services to people in the recognized system of medicine under the control of the Central Government or a State Government or an undertaking of the Central Government or a State Government or under local bodies and includes an institution or clinical establishment or hospital, maternity home, medical laboratory, nursing home and physiotherapy establishments owned by a private individual or entity or trust, or society;

(b) "medical and health service professional" in relation to medical and health service institution shall include:—

(i) registered medical practitioners;

(ii) qualified nurses;

(iii) qualified midwives;

(iv) medical students; and

(v) nursing students;

(c) "medical student" means a student undergoing graduate or post graduate course in the recognized system of medicine from a recognized medical and health service college or institution;

(d) "nursing student" means a student undergoing diploma or degree courses in nursing midwifery from a recognized medical and health service college or institution;

(e) "recognized system of medicine" means the following system of medicine namely:—

(i) modern scientific system of medicine (allopathic) within the meaning of the Indian Medical Council Act, 1956:

(ii) homoeopathic and biochemic system of medicine within the meaning of the Homoeopathy Central Council Act, 1973;

(iii) ayurvedic system, unani system and naturopathy system of medicines; and

(iv) any other recognized system of treatment recognized as such under any law for the time being in force;

(f) "recognized medical practitioner" means a medical practitioner qualified in recognized system of medicine and is duly enrolled in the State Medical Register of such system of medicine and includes provisional registered medical practitioner.

(2) The words and expressions used in this Act but not defined shall have the same meaning as assigned to them in the respective laws enacted by Parliament of India in that regard.

Prohibition of assault, criminal force and intimidation.

**3.** Any act of assault, criminal force and intimidation to a medical and health service professional during or incidental to the discharge of his lawful duties pertinent to medical and health care delivery within premises of any medical and service institution or in a mobile clinic or in an ambulance shall be deemed to be an offence punishable under this Act.

Punishment.

**4.** Whoever voluntarily commits any act in contravention of the provisions of section 3 shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend up to seven years and/or with fine which may extend up to fifty thousand rupees.

Offence to be non-bailable.

**5.** Any offence committed under this Act shall be a non-bailable offence.

- 6.** No court inferior to that of a Court of Judicial Magistrate of the first class shall try any offence under this Act. Cognizance of offence.
- 7.** 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. Act not in derogation to any other law.
- 5       **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.
- 10       Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.
- 15       **9.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.
- 10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. Act to supplement other laws.
- 11.** (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.
- 20       (2) Every rule made under this Act 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

A Doctor is considered equivalent to god as provider of second life to the dying person, but he is also a human being. Many times the relatives, attendants or friends of a patient assault and/or use criminal force against medical and health service professionals for delay in attending patient or other petty reasons intimidate medical and health service professionals to face severe consequences, if they fail in curing the patient from illness. Every day such incidents of assault, using criminal force or intimidation against medical and health service professionals take place in many Government hospitals, private hospitals, clinics and nursing homes, etc.

At present there is no legislation to curb the acts of assault, use of criminal force or intimidation against medical and health service professionals in medical or service institutions, etc.

In the wake of repetitive incidents of assault, criminal force or intimidation against medical and health service professionals, it is the need of hour to enact a specific legislation for protection of medical and other health care service persons from any form of assault, criminal force or intimidation by any person and making such acts as a punishable offence, so as to create a deterrence among offenders.

NEW DELHI;  
*June 19, 2019.*

GAUTAM GAMBHIR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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