



The Sindh Government Gazette

Published by Authority

KARACHI TUESDAY JULY 15, 2014

PART-IVA

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 15TH JULY, 2014.

NO.PAS/Legis-8-18/2014-The following Bill is hereby published for general information as required by Rule 98 of Rules of Procedure of the Provincial Assembly of Sindh.

THE SINDH INJURED PERSONS (MEDICAL AID) BILL, 2014.

SINDH BILL NO. 18 OF 2014.

A
BILL

to make provisions for medical aid and treatment of injured persons.

WHEREAS it is expedient to make provision for medical aid and treatment of injured persons to save their lives and protect their health during emergency and for matters connected therewith or incidental thereto; **Preamble.**

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Injured Persons (Medical Aid) Act, 2014. **Short title, extent and commencement.**
- (2) It shall extend to the whole of the Province of Sindh.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context -

- (a) "doctor" means a medical practitioner registered under the Pakistan Medical and Dental Council Ordinance, 1962 (XXXII of 1962);
- (b) "Government" means the Government of Sindh;
- (c) "hospital" means a hospital notified under section 7; and
- (d) "injured person" means a person injured due to traffic accident, assault or any other cause who is in need of an immediate treatment;

Injured persons to be treated on priority basis.

3. Where an injured person is brought to a hospital, he shall be provided medical aid without delay on priority basis over all other medico-legal formalities.

Non-interference by the police.

4. No police official or officer shall interrupt or interfere during the period an injured person is under treatment in a hospital except with the written permission of the Incharge

of the hospital:

Provided that such permission shall not be given unless it is necessary in connection with an investigation which may be carried out in the hospital so long as the injured person is under treatment.

Consent of relatives not required in certain cases.

5. Where an injured person requires emergency treatment or operation, the doctor treating or operating the injured person shall not wait for the consent of the relatives:

Provided that if the relatives are present it would be preferable that such treatment or operation may be carried out with the consent of such relatives.

Shifting of an injured person to another hospital.

6. (1) An injured person shall not be shifted from a hospital until he is stabilized or the requisite treatment is not available in such hospital and while shifting him to another hospital, the doctor concerned shall complete the relevant documents with regard to the clinical conditions of the patient and handover such documents to the concerned doctor of the receiving hospital.

(2) The record referred to in sub-section(1) shall be maintained by the referring hospital as well as the receiving hospital and the Incharge of the hospital shall be responsible for ensuring that such record is kept in a safe custody where it can not be tampered with:

Provided that where necessary, an injured person shall not be shifted unless he is accompanied by a doctor of the referring hospital.

7. Government shall, by notification in the official Gazette, notify the Government hospitals having in-patient beds and also having facilities to deal with the emergencies to provide medical aid and treatment to the injured persons:

Hospital to be notified.

Provided that in areas where above referred facility is not available, a rural health center established by Government or a local government in that area having facility to deal with the emergencies, may be notified as hospital for the purposes of this Act.

8. (1) Under no circumstances an injured person be taken to a police station before necessary medical aid and treatment is given.

Injured person not to be taken to a police station.

(2) The police officer is bound to ensure that the injured person is treated in a hospital as provided in this Act before any medico-legal procedure is undertaken and he shall not in any way influence the doctor or to give any opinion about the type and details of injury of the injured person.

9. A person who brings an injured person to a hospital on humanitarian basis, in particular in traffic accident cases, shall not be harassed and shall be shown due respect and acknowledged for helping the injured. He shall be allowed to leave the hospital after taking down his name, address, telephone number and shall provide a copy of his Computerized National Identity Card within three days, if the same is not immediately available with him or any other proof to the satisfaction of Incharge of the hospital:

Person bringing the injured person to hospital not to be harassed.

Provided that nothing herein contained shall absolve the person bringing an injured person to hospital from any liability under any law for the time being in force for causing injury to such person.

10. An awareness campaign shall be carried out regularly to educate the public, medical professionals and the police about medico-legal procedures.

Awareness campaign.

11. Whoever contravenes or violates the provisions of this Act or the rules made thereunder shall be punishable with imprisonment which may extend to three years, or with fine which shall not be less than twenty thousand rupees, or with both, in addition to any other penalty to which he may be liable under any other law for the time being in force:

Penalty.

Provided that where penalty of fine is imposed half of such fine shall be paid to injured person or his heirs, as the case may be, as compensation:

Provided further that the court may direct the Pakistan Medical and Dental Council established under the Medical and Dental Council Ordinance, 1962 (XXXII of 1962) to cancel the registration of a doctor convicted by the court.

Cognizance of cases.

12. (1) No court shall take cognizance of an offence under this Act, except upon a complaint made by an officer authorized in writing in this behalf by Government.

(2) Government shall notify the authorized officers under sub-section (1) within thirty days of the commencement of this Act.

Instructions

13. Government may, from time to time, issue instructions to carry out the purposes of this Act and the defaulting doctor or the police official or officers shall be liable to disciplinary action for contravention of such instructions, besides the penalty to which he may be liable under section 11.

Power to make rules.

14. Government may make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In view of the Eighteenth Amendment in the Constitution of the Islamic Republic of Pakistan, 1973, the subject "health" is devolved to the Provinces. In order to make provision for medical aid and treatment of injured persons to save their lives and protect their health during emergency, it is expedient to enact a law.

The Bill seeks to achieve the above object.

MEMBER-IN-CHARGE

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH