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THE INJURED PERSONS (MEDICAL AID) ACT, 2004

ACT NO. XII of 2004

[15th December, 2004]

An Act to make provisions for medical aid and treatment of injured persons

WHEREAS there is a misconception about the law and procedure with regard to medical aid and treatment of injured persons before completion of medico-legal formalities;

WHEREAS due to this misconception the medical aid and treatment of injured persons is very often delayed and many casualties have occurred because of delayed treatment;

AND WHEREAS it is necessary to make provision for medical aid and treatment of injured persons to save their lives and protect their health during emergency;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Injured Persons (Medical Aid) Act, 2004.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) “doctor” means a medical practitioner registered under the Medical and Dental Council Ordinance 1962 (XXXII of 1962);

(b) “Government” means the Federal Government or a Provincial Government as the case may be;

(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 immediate treatment.

3. Injured persons to be treated on priority basis.— 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.

4. Non-interference by the police.— 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.

5. Consent of relatives not required in certain cases.— Where an injured person requires emergency treatment or operation, the doctor treating or operating the injured person need 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.

6. Shifting of an injured person to another hospital.—(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 hand over 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 cannot 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. Hospitals to be notified. — The 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:

Provided that in areas where above referred facility is not available, a rural health center established by a 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. The injured person not to be taken to a police station.— (1) Under no circumstances an injured person be taken to a police station before necessary medical aid and treatment is given.

(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. The police officer 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. The person bringing the injured person to hospital not to be harassed.— The person who on humanitarian basis, in particular in traffic accident cases, brings an injured person to a hospital shall not be harassed and shall be shown due respect and acknowledged for helping the injured. He should be allowed to leave the hospital after taking down his name, address, telephone number and he shall provide a copy of his 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:

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

11. Penalty.— Whoever contravenes or violates the provisions of this Act or the rules made there under shall be punishable with imprisonment which may extend to two years, or with fine not less than ten 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:

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 Medical and Dental Council under the Medical and Dental Council Ordinance, 1962 (XXXII of 1962) to cancel the registration of a doctor convicted by the Court.

12. Cognizance of cases.— (1) No Court shall take cognizance of a case under this Act, except upon a complaint made by an officer authorized in writing in this behalf by the Government.

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

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

14. Rulemaking power.— The Federal or Provincial Government, as the case may be, may make rules to carry out the purposes of this Act.