

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 03rd OCTOBER, 2022

NO.PAS/LEGIS-B-39/2021-The Sindh Healthcare Service Providers and Facilities (Prevention of Violence and Damage to Property) Bill, 2021 having been passed by the Provincial Assembly of Sindh on 05th August, 2022 and assented to by the Governor of Sindh on 26th September, 2022 is hereby published as an Act of the Legislature of Sindh.

THE SINDH HEALTHCARE SERVICE PROVIDERS AND FACILITIES
(PREVENTION OF VIOLENCE AND DAMAGE TO PROPERTY) ACT, 2021.

SINDH ACT NO. XVIII OF 2022

AN
ACT

to provide protection to and prohibit violence against healthcare service providers and to prevent damage or loss to property in healthcare service facilities or to those mandated for the provision of healthcare services and for matters connected therewith or incidental thereto;

WHEREAS, it is expedient to provide protection to Preamble. and prohibit violence against healthcare service providers and to prevent damage or loss to property in healthcare service facilities or to those mandated for the provision of healthcare services and to provide for matters connected therewith or incidental thereto;

It is hereby enacted as follows:

1. (1) This Act may be called the Sindh Healthcare Service Short title, Providers and Facilities (Prevention of Violence and extend and Damage to Property) Act, 2021. commencement.

(2) It shall extend to the whole Province of Sindh.

(3) It shall come into force at once.

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

(a) "Arms" means and includes arms, ammunitions and firearms of all types as defined in the Sindh Arms Act, 2012 (Sindh Act No.V of 2013);

(b) "Code" means the Code of Criminal Procedure, 1898 (Act V of 1898);

(c) “concerned authority” means an authority, which is recognized and authorized by any law for the time being in force for registration of healthcare service providers and licensing of healthcare facilities by the Government;

(d) “damage” includes wrongful loss or harm or destruction to property, both moveable and immovable, whether in whole or in part, with or without taking possession of the property so as to render it inadequate for its designated purpose or wholly or partially incapable of performing its function or diminishes its value or utility;

(e) “emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate medical action or an urgent need for medical assistance or relief;

(f) “Government” means the Government of Sindh;

(g) “healthcare” means primary, secondary, tertiary care which includes the prevention, diagnosis, treatment, rehabilitation, cosmetology, institutionalised and _ non-institutionalised or control of diseases, injuries or disabilities, as well as measures ensuring the health of mothers, infants and young children; governmental, semi-governmental or non-governmental. The term also encompasses activities that ensure, or provide support or access for persons in need of healthcare including but not limited to medical, clinical and surgical services; extending to para-medical services and ancillary medical facilities; that is, activities such as rescuing, collecting, treating or transporting persons in need of healthcare, or the administration of healthcare service facilities;

(h) “healthcare service facilities” includes a hospital, teaching hospital, diagnostic centre, blood bank, medical clinic, nursing home, maternity home, dental clinic, homeopathy clinic, Tibb clinic, acupuncture centre, physiotherapy clinic, rehabilitation facility, medical camp, laboratories, emergency unit, mobile unit and/or first-aid post, or any other premises or conveyance that is wholly or partially used for providing healthcare services in public and private sectors; duly registered and recognized by the concerned authority;

(i)

Gi)

“healthcare service providers” in relation to a healthcare service facility, shall include, but not be limited to, the following health professionals and/or individuals working in that healthcare service facility or providing healthcare services in the field -

(i) registered Medical and Dental Practitioners including those having provisional registration;

(ii) registered Nurses;

(iii) Paramedics;

(iv) Pharmacists;

(v) Lady Health Workers;

(vi) Polio Workers;

(vii) Volunteers;

(viii) Counsellors;

(ix) ambulance Drivers;

(x) Medico-legal officers;

(xi) Physiotherapists;

(xii) Vaccinators;

(xiii) Dieticians;

(xiv) Community mid-wives;

(xv) Technicians;

(xvi) Non-clinical staff including staff performing administrative functions.

Explanation.- The above term shall include contractual, non- contractual, permanent, temporary, ad-hoc, probationary and daily wages employment.

“medical supplies” includes any equipment material and supplies; installed, portable and/or in’ continuous rotation, necessary for the provision of medical care and functioning of the

healthcare services whether within or beyond the healthcare service facility, including but not limited to the following purposes:-

- (i) monitoring;
- (ii) sterilisation;
- (iii) respiration;
- (iv) interventional;
- (v) chemical;

- (vi) waste disposal;
- (vii) medicine; and
- (viii) dressing.

(k) "medical transport" includes ambulances, medical aircraft, waste disposal vehicles or any means of conveying the wounded and sick, healthcare service providers or medical supplies, including vehicles temporarily but exclusively assigned for the provision of healthcare services;

(1) "obstruction" means any act by a person, vehicle or otherwise that would hamper, hinder, delay or impede the provision of healthcare services forcefully or otherwise;

(m) "property" means any property or asset, movable or immovable, including but not limited to medical supply or medical transport owned by, in possession of or under the control of any healthcare service facility or healthcare service provider in relation to the performance of healthcare services;

(n) "mental anguish" means mental trauma, mental distress, severe misery or mental suffering which may be compensated in a personal injury case and may reasonably be expected to result from the commission or omission of any act;

(o) "rules" means rules made under this Act;

(p) "Schedule" means Schedule appended to this Act;

(q) "violence" means the use of verbal or physical force, threatened, actual or intended against oneself, or another person, or against a group or community or against medical transport, property or healthcare service facility which results or which in the ordinary course of nature is likely to result in death, hurt or mental anguish to the healthcare service providers or beneficiary of healthcare services or damage to property or in the forceful obstruction of healthcare services;

(r) "volunteer" is any person who has_ been appointed; temporarily or permanently, with his consent, whether paid or unpaid to act in aid of a healthcare service provider in the performance of any healthcare services;

(2) All other terms and expressions used but not defined in this Act, shall have the meanings as are assigned to them in the Pakistan Penal Code, 1860, or in the General Clauses Act, 1897.

3. Any act of violence, including but limited to offences provided in the Schedule, against any person within a healthcare service facility or against a healthcare service provider at any location, where their duties are continuing or are discharged in connection with or incidental to their activities in the healthcare service facilities, is prohibited under the provisions of this Act.

4. (1) Any act in contravention of section 3, which causes death, hurt or damage to property or which in the ordinary course of nature is likely to cause death, hurt or damage to private property shall be punishable as provided in the Pakistan Penal Code, 1860.

(2) Any act in contravention of section 3, which causes or in the ordinary course of nature is likely to cause mental anguish shall be punishable with imprisonment of either description for a term which may extend to six months or fine not less than fifty thousand rupees or with both:

Provided that in case of grievous hurt or severe mental anguish to a healthcare service provider, in addition to the punishment specified in sub-section (1) or (2), the perpetrator shall be liable to compensate for the cost of treatment and damages incidental thereto from such hurt or mental anguish.

(3) Any act in contravention of section 3, which causes obstruction of healthcare services shall be punishable with imprisonment of either description which may extend to a term of three years or with fine of not less than fifty thousand rupees or with both.

(4) Any act in contravention of section 3, which in the ordinary course of nature is likely to cause obstruction of healthcare services shall be punishable with imprisonment of either description which may extend to a term of one year or with fine not less than Fifty Thousand Rupees or with both.

5. Any act or omission, including but not limited to the offences provided in Schedule of this Act, intended to cause damage, destruction or loss to property owned by or under the care or control of healthcare service providers or healthcare facilities in connection with or incidental to their activities in healthcare service facilities, is hereby prohibited.

Prohibition of
violence.

Penalty and
other
consequences
for violation of

section 3.

Prohibition of
damage to
property.

6. Notwithstanding anything contained in any other law for the time being in force, any act in contravention of section 5 -

(i) which causes wrongful damage or loss to

(ii)

(iii)

property having value less than one hundred thousand rupees owned by or under the care and/or control of healthcare services providers or facilities — shall be punishable with imprisonment of either description which may extend to one month or with fine not less than Fifty Thousand Rupees or with both;

which causes irreparable wrongful damage or loss to property having value equivalent to or exceeding one hundred thousand rupees, owned by or under the care or control of healthcare service providers or facilities, in addition to the imprisonment provided for the act or omission in the Pakistan Penal Code, 1860 shall be punishable with imprisonment' of _— either description which may extend to three years or with fine amounting to the market value of the property damaged or loss at the time of the commission of the offence or with both;

which causes repairable wrongful damage or loss to property having value equivalent to or exceeding one hundred thousand rupees owned by or under the care or control of healthcare service providers or facilities, in addition to the imprisonment provided for the act or omission in the Pakistan Penal Code, 1860 shall be punishable with imprisonment' of _— either description which may extend to one year or with fine amounting to the cost of repairing the damaged property including the costs of deprivation or _ substitution of healthcare services to the public or with both:

Provided where loss to property constitutes

other offences to property, it shall be dealt with under the Pakistan Penal Code 1860.

7. (1) It

shall be prohibited under all circumstances to

carry, keep, possess or display arms of any kind

notwithstanding a valid license within the premises of a healthcare service facility.

Penalty and
other
consequences
for violation of
section 5.

Prohibition of
carrying arms
into healthcare
Facility.

(2) Any contravention of sub-section (1) shall be dealt with under the Sindh Arms Act, 2012.

8. (1) In addition to any other responsibility of a healthcare service facility or a healthcare service provider under any law for the time being in force—

(i) it shall be the responsibility of every healthcare service facility to ensure that the healthcare service providers explain the procedures of treatment before and during the treatment, to the complete understanding of the patient or designated relative or attendant, and in case of a minor to his guardian or custodian, as prescribed;

(ii) it shall be the responsibility of every healthcare service facility to furnish, in writing, the complete information about the medical treatment provided by such healthcare service facility to the patient or to designated relative or attendant, and in case of a minor to his guardian or custodian, as prescribed;

(iii) it shall be the responsibility of each healthcare service provider to safeguard patient confidentiality, to maintain the highest standards of ethical conduct, to not discriminate among patients except on the basis of medical need and/or grounds and to provide emergency care as a humanitarian duty;

(iv) it shall be the responsibility of each healthcare service facility to ensure that the healthcare service providers employed with the subject facility adhere to the responsibilities enshrined in clauses (i),(ii) and (iii), and to receive complaints of any violation in respect of the same and to take appropriate action against the concerned healthcare service provider;

(2) In order to implement the provisions of this Act, the healthcare service facility shall take following measures:-

(i) to take appropriate action against petty acts of violence which are not trial-able under this Act;

(ii) to act upon instantly and take appropriate measures to prevent or mitigate all acts of violence under this Act;

(iii) to take appropriate measures to prevent or mitigate acts of violence under this Act, it shall without unnecessary delay seek assistance and support from the District Police Officer;

Responsibilities
of healthcare
service facilities
and healthcare
service
providers.

(iv) to report to the nearest police station the commission of any offence under this Act and the DSP upon receiving information specified in clause (iii) shall immediately designate an officer not below the rank of an officer in-charge of the police station to provide requisite preventive support or assistance.

9. (1) All offences under this Act are deemed to be cognizable and non-bailable in nature.

(2) Notwithstanding anything contained in any other law for the time being in force, all the offences under this Act shall be triable by a Court of Magistrate.

(3) Whoever fraudulently, dishonestly, maliciously or with intent to injure any persons makes a false claim in a court of law under this Act shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(4) The provisions of the Code shall be applicable for the cognizance of offences under this Act.

10. Unless otherwise provided, 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.

11. Government may, by notification in the official Gazette, make rules for the purposes of carrying out the provisions of this Act.

Arrest and
cognizance of
offences.

Act to be in
addition to and
not in
derogation of
any other law

Power to make
rules.

BY ORDER OF THE MADAM ACTING SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY

PROVINCIAL ASSEMBLY OF SINDH

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SCHEDULE

(see section 3)

Section 107: Abetment of a thing

Section 108: Abettor

Section 109: Punishment of abetment if the Act abetted
committed in consequence and where no express provision is

made for its punishment

Section 110: Punishment for abetment if person abetted does

act with different intention from that of abettor

Section 111: Liability of abettor when one act abetted and

different act done

Section 112: Abettor when liable to cumulative punishment for

act abetted and for act done

Section 113: Liability of abettor for an effect caused by the act
abetted different from that intended by the abettor

Section 114: Abettor present when offence is committed

Section 115: Abetment of offence punishable with death or

imprisonment for life if offence not committed

Section 116: Abetment of offence punishable' with

imprisonment-if offence be not committed

Section 117: Abetting commission of offence by the public or by

more than ten persons

Section 118: Concealing design to commit offence punishable

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offence which it is his duty to prevent

Section 120: Concealing design to commit offence punishable

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Section 159: Affray

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Section 191: Giving false evidence

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Section 193: Punishment for false evidence

Section 194: Giving or fabricating false evidence with intent to

procure conviction of capital offence

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Section 305: Wali

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Section 308: Punishment in qatl-i-amd not liable to qisas, etc.

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Section 322: Punishment for qatl-bis-sabab

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Section 333: Itlaf-i-udw

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