

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 19TH MARCH, 2019

NO.PAS/LEGIS-B-02/2019- The Sindh Injured Persons Compulsory Medical Treatment Bill, 2019 having passed by the Provincial Assembly of Sindh on 28th January, 2019

treatment (Amal Umer)
019 and assented to by

the Governor of Sindh on 11th March, 2019 is hereby published as an Act of the Legislature of Sindh.

**THE SINDH INJURED PERSONS COMPULSORY
MEDICAL TREATMENT (AMAL UMER) ACT, 2019**

SINDH ACT NO. VIII OF 2019

AN
ACT

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

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, and to make provision for medical aid and treatment of injured persons in an emergency;

AND WHEREAS it is compulsory to provide medical aid and treatment without any fear, to any injured person, to save his or her life and protect his or her health during an emergency and for matters connected thereto;

AND WHEREAS it is the duty of every citizen to assist an injured person in a time of peril and emergency;

It is hereby enacted as follows: -

1. (1) This Act may be called the Sindh Injured Persons Compulsory Medical Treatment (Amal Umer) Act, 2019.

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

(3) It shall come into force at once.

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

(a) "ambulance" means a special vehicle equipped and facilitated with a minimum of oxygen cylinder, defibrillator, fire extinguisher, dressings, bandages, emergency obstetric kit, stretcher(s), cardiac monitor, telecommunication device for establishing contact with a hospital located nearest to the site of the incident alongwith skilled paramedical staff to aid an injured person in an emergency medical condition and provide immediate medical attention during transportation from the place of incident to a hospital or from one hospital to another hospital, as the case may be;

(b) "Emergency medical treatment" means the action that is required

Preamble.

Short title,
extent and
commencement:

Definitions:

to be taken, for the stabilization of an injured person and the rendering of such further medical treatment as may be necessary, for the purpose of preventable death or aggravation of the emergency medical condition of the injured person including but not limited to administering of medication and undertaking surgical operations;

(c) "Court" means the Court of Session;

(d) "denial of compulsory medical treatment" means the refusal or failure of a hospital to provide compulsory medical treatment as necessitated by the provisions of this Act;

(e) "Department" means the Health Department, Government of Sindh;

(f) "doctor" means a medical practitioner registered under the Pakistan Medical and Dental Council Ordinance, 1962 (XXXII of 1962);

(g) "emergency medical condition" means the health condition of an injured person which requires immediate medical attention and/or compulsory medical treatment and denial of which is likely to aggravate the health of an injured person or cause the death of an injured person;

(h) "Government" means the Government of Sindh;

(i) "Government hospital" means and includes all Government hospitals operating in the Province of Sindh;

(j) "hospital" means Government hospital and/or private hospital;

(k) "injured person" means a person injured due to a traffic accident, assault or any other cause and who has an emergency medical condition;

(l) "private hospital" means any private hospital as notified by the Department from time to time for the purposes of this Act; and

(m) "rules" means rules made under this Act.

3.1) Where an injured person is brought to a hospital, such injured person shall be provided with compulsory medical treatment without any delay, on a priority basis, without complying with medico-legal formalities or demanding payment prior to the administering of compulsory medical treatment.

(2) It shall be the duty of the hospital to provide compulsory medical treatment to the injured person.

(3) No hospital or doctor shall demand any payment for providing compulsory medical treatment or such other medical assistance as may be required to be administered to the injured person, if such injured person is

Injured persons to be
treated on priority
basis:

unable to make the payment, the cost of the compulsory medical treatment in such cases shall be borne by the concerned hospital:

Provided that the Department shall indemnify the private hospital in respect of the cost incurred by such hospital in stabilizing the condition of the injured person:

Provided further that the injured person shall be shifted to a Government hospital immediately upon stabilization of his or her condition:

Provided further that the injured person after stabilization of his or her condition, if he or she so chooses, may remain in the private hospital subject to paying the charges of such hospital.

Explanation.-For the purposes of this section, "cost" means the amount which is spent by the hospital in treating a particular injury patient.

4. Where an injured person requires compulsory medical treatment, the doctor attending the injured person shall not wait to obtain the consent of any person before administering the required compulsory medical treatment, if there is apprehension of delay in obtaining such consent and such delay is likely to harm the condition of the injured person.

5. It shall be mandatory for hospitals to have and maintain atleast two (2) fully equipped and functioning ambulances stationed at the hospital premises at all times or such other number of ambulances as instructed by the Department from time to time and to ensure that all such ambulances are also equipped with a list of all hospitals as instructed by the Department from time to time.

6. No police officer or any other officer of a law enforcement agency shall interrupt or interfere with the administering of compulsory medical treatment or seek to interrogate an injured person while he or she is receiving compulsory medical treatment in a hospital:

Provided that such interrogation shall not take place until the condition of the injured person as determined by the treating Doctor is out of danger or without the permission of the concerned hospital where the injured person is being treated.

7.(1) An injured person shall not be shifted to another hospital unless the compulsory medical treatment required cannot be provided at the hospital due to inadequate medical facility and such reasons shall be recorded in writing by the hospital:

Provided that where an injured person cannot be provided with compulsory medical treatment at a hospital in view of inadequate medical facilities, such hospital shall at its own cost and expense arrange for the transfer of the injured person in an ambulance to the nearest hospital which, in its opinion, has the necessary facilities for administering the compulsory medical treatment, along with a copy of the complete record of the injured person's medical history if such information has been obtained.

Consent of relatives
not required in

certain cases:

Hospitals to be fully equipped:

Non-interference by the police.

Shifting of an injured person to another hospital:

(2) The record referred to in sub-section (1), once handed over to the management of the hospital to which such injured person is shifted, shall be maintained by such hospital and a copy thereof shall be retained by the management of the hospital. The in-charge of both hospitals shall be responsible for ensuring that such record is kept in safe custody where it cannot be tampered with.

(3) Where it is determined by the hospital that an injured person required to be shifted as provided under sub-section (1) cannot be so shifted without immediate medical attention, such injured person shall not be shifted to another hospital, unless he or she is accompanied by a doctor or a member of the nursing staff of the hospital.

8. Under no circumstances, an injured person shall be taken to a police station or any medico-legal procedure be commenced or undertaken before the necessary compulsory medical treatment has been fully provided to such person.

9. (1) Any person who brings an injured person to a hospital and/or the hospital staff who treat the injured person shall not be harassed by any person including a police officer or officer of a law enforcement agency.

(2) The hospital to which the injured person is brought shall note down the helping person's name, address, and telephone number and obtain a copy of his/her Computerized Nationality Identity Card within three days, if the same is not immediately available, or any other proof of identity to the satisfaction of the hospital.

10. In addition to and not in derogation of the provisions of any other law, for the time being in force, whoever contravenes or violates the provisions of this Act, shall be punishable with imprisonment which may extend to three years or fine which shall not be less than rupees five hundred thousand, or with both.

11. (1) Notwithstanding anything contained in any other law for the time being in force, the violation or contravention of the provisions of this Act, shall be triable by the Court of Session on receipt of a written inquiry from Sindh Healthcare Commission or Department.

Provided that any person aggrieved by the Act/Omission of the Hospital shall lodge a complaint within seven days and the same shall be decided by the Healthcare Commission or the Department within sixty days.

(2) All offences under this Act shall be non-cognizable.

(3) The Court at any stage of the proceedings may direct the police to arrest the accused.

The injured person
not to be taken to a
police station.

Hospital Staff & the
person bringing the

injured person to hospital not to be harassed.

Penalty.

Cognizance of offence.

12. The Code of Criminal Procedure, 1898 (Act No. V of 1898) and the Qanun-e-Shahadat Order, 1984 (P.O. No. 10 of 1984), shall mutatis mutandis apply to the proceedings under this Act.

13. No Court inferior to that of the Session Court shall have jurisdiction to try cases under this Act.

14. An appeal against the final order of the Court of Session, shall lie to the High Court within (30) thirty days of the passing of such order.

15. Every hospital shall maintain a separate register containing the following information in accordance with the provisions of this Act:

(a) name, address and CNIC/any proof of identity of the injured person;

(b) date, time and place of incident;

(c) nature of injuries sustained and other relevant details;

(d) statement of written refusal of an injured person or his or her guardian(s) or relative(s), as the case may be, to receive compulsory medical treatment;

(e) details of the person who brought the injured person;

(f) details of compulsory medical treatment provided or refused to be provided to the injured person;

(g) details of expenditure incurred;

(h) any other details or information relevant for the purposes of this Act.

16. The hospital shall, upon the request of an injured person or his or her legal heirs, disclose and provide copies of all records and information maintained by the hospital in respect of the injured person within fourteen (14) days of the receipt of such request.

17. An awareness campaign shall be regularly carried out by the Department in cooperation with other government Departments and private entities to educate the public, medical professionals and police officers and officers of law enforcement agencies on the duties and obligations arising out of

this Act.

Code of Criminal
Procedure and
Qanun-e-Shahadat
Order to apply.

Trial of cases.

Appeal.

Maintenance of
records.

Disclosure of record
and information.

Awareness campaign.

18. Every hospital shall comply with the provisions of this Act and such Instructions. instructions as may be issued by the Department from time to time to cater to any state of emergency.

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

20. The Sindh Injured Persons (Medical Aid) Act, 2014 hereby stands Repeal. repealed.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH