

SENATE OF PAKISTAN



REPORT NO. 17

REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION

ON

“THE ISLAMABAD CAPITAL TERRITORY INJURED PERSONS (MEDICAL AID) BILL, 2023”

PRESENTED BY

Senator Dr. Muhammad Humayun Mohmand

Chairman

Standing Committee on National Health Services, Regulations and Coordination

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON

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I, Senator Dr. Muhammad Humayun Mohmand, Chairman Standing Committee on Standing Committee on National Health Services, Regulations and Coordination, have the honor to submit, on behalf of the Committee, this report on “the Islamabad Capital Territory Injured Persons (Medical Aid) Bill, 2023” as Introduced in the Senate of Pakistan and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1. Senator Dr. Muhammad Humayun Mohmand	Chairman
2. Senator Prof. Dr. Mehr Taj Roghani	Member
3. Senator Fawzia Arshad	Member
4. Senator Dr. Zarqa Suharwardi Taimur	Member
5. Senator Sana Jamali	Member
6. Senator Dilawar Khan	Member
7. Senator Rubina Khalid	Member
8. Senator Jam Mahtab Hussain Dahar	Member
9. Senator Bahramand Khan Tangi	Member
10. Senator Hafiz Abdul Karim	Member
11. Senator Muhammad Asad Ali Khan Junejo	Member
12. Senator Sardar Muhammad Shafiq Tareen	Member
13. Senator Syed Faisal Ali Subzwari	Member
14. Minister for National Health Services, Regulation and Coordination	Ex-Officio Member

3. The Committee considered the Bill and held comprehensive discussion on it in its meeting on 31st August, 2023, under the chairmanship of Senator Dr. Muhammad Humayun Mohmand, with the following in attendance:

1. Senator Dr. Muhammad Humayun Mohmand	Chairman
2. Senator Prof. Dr. Mehr Taj Roghani	Member
3. Senator Dr. Zarqa Suharwardi Taimur	Member
4. Senator Sana Jamali	Member
5. Senator Rubina Khalid	Member
6. Senator Jam Mahtab Hussain Dahar	Member
7. Senator Bahramand Khan Tangi	Member
8. Senator Sardar Muhammad Shafiq Tareen	Member
9. Senator Sania Nishtar	Mover
10. Senator Kamran Murtaza	Mover

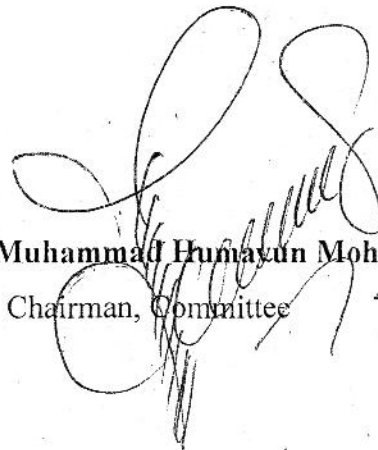
4. Brief background of discussions on the Bill is that “the Islamabad Capital Territory Injured Persons (Medical Aid) Bill, 2023” primarily seeks to provide first aid and emergency medical treatment to the injured persons in public or private hospitals without charges and on urgent basis. In order to achieve these objects the hospitals both public and private must equipped itself with fully functional ambulances stationed at the hospital premises.

5. The Bill (Annexure-A) was presented before the Committee, after deliberation the ministry of National Health Services Regulations and Coordination and Law and Justice proposed that the said bill seeks to repeal “the Injured Persons (Medical Aid) Act, 2004” while majority of the provisions of the bill are already provided in the incumbent Act. Therefore the Committee recommended the mover that instead of a full-fledged bill containing repeal clause, a precise amendment bill should be drafted and introduced for the fulfillment of objects and reasons.

6. Accordingly, the Committee recommends that “the Islamabad Capital Territory Injured Persons (Medical Aid) Bill, 2023”, as introduced in the Senate may not be passed by the House, (Copy of the Bill as introduced in the Senate is Annexed as “A”).



(Muhammad Shafiq)
Secretary Committee



(Senator Dr. Muhammad Humayun Mohmand)
Chairman, Committee

[AS INTRODUCED IN THE SENATE]

A
BILL

to make provisions for medical aid and treatment of injured persons in the Islamabad Capital Territory.

WHEREAS it is expedient to provide emergency medical treatment to the persons, who get injured due to traffic accidents, assault or any other cause and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. **Short title and commencement.** - (1) This Act may be called the Islamabad Capital Territory Injured Persons (Medical Aid) Act, 2023.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions:** 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 along with 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) "Court" means the Court of Session;

(c) "Doctor" means a medical practitioner registered under the Pakistan Medical and Dental Council Act, 2023 (IV of 2023);

(d) "Emergency Medical Treatment" means the action that is required 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 preventing death or aggravation of the emergency medical condition of the injured person including but not limited to administering of medication and undertaking surgical operations;

(e) "Government" means the Federal Government;

(f) "Hospital" means and includes all government/private hospitals operating in the Islamabad Capital Territory;

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

(h) "Ministry" means the Ministry for National Health, Service, Regulations and Coordination, Government of Pakistan; and

(i) "Rules" means rules made under this Act."

3. **Injured persons to be treated on priority basis:** (1) Where an injured person is brought to a hospital, such injured person shall be provided with emergency medical treatment without any delay, on a priority basis, without complying with medico-legal formalities or demanding payment prior to the administering of emergency medical treatment.

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

(3) No hospital or doctor shall demand any payment for providing emergency medical treatment or such other medical assistance as may be required to be administered to the injured person, if such injured person is unable to make the payment, the cost of the emergency medical treatment in such cases shall be borne by the concerned hospital:

Provided that the Ministry 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 also 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. **Hospitals to be fully equipped:** It shall be mandatory for hospitals to have and maintain at-least 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 Ministry from time to time and to ensure that all such ambulances are also equipped with a list of all hospitals as instructed by the Ministry of National Health, Services, Regulations and Coordination from time to time.

5. **Non-interference by the police:** No police officer shall interrupt or interfere with the administering of emergency medical treatment or seek to interrogate an injured person while he or she is receiving emergency 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.

6. **Consent of relatives not required in certain cases:** Where an injured person requires emergency medical treatment, the doctor attending the injured person shall not wait to obtain the consent of any person before administering the required emergency 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.

7. **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 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 subsection (1) shall be maintained by the referring hospital as well as the receiving hospital and the In charge of the hospital shall be responsible for ensuring that such record is kept in a safe custody where it cannot be tampered with.

(3) Referring hospital shall transfer injured person to the nearest hospital with adequate medical facilities, at its own costs and expenses.

(4) An injured person shall not be shifted unless he is accompanied by a doctor of the referring hospital.

8. **Maintenance of records:** 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 emergency medical treatment;
- (e) Details of the person who brought the injured person;
- (f) Details of emergency 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.

9. **Disclosure of record and information:** 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.

10. **Penalty:** 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 not less than five hundred 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 Pakistan Medical and Dental Council (PMDC), established under Pakistan Medical and Dental Council Act, 2023 (IV of 2023) to cancel the registration of a doctor convicted by the Court.

11. **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 subsection (1) within thirty days of the commencement of this Act.

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

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

12. **Trial of cases:** No Court inferior to that of the Session Court shall have jurisdiction to try cases under this Act.

13. **Appeal:** 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.

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

15. **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 10.

16. **Power to make rules:** The Federal Government, may make rules for carrying out the purposes of this Act.

17. **Repeal and savings:** (1) The Injured Persons (Medical Aid) Act, 2004 (Act No. XII of 2004), to extent of the Islamabad Capital Territory is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rules made, and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued, under this Act, and shall have effect accordingly.

STATEMENT OF OBJECTS AND REASONS

Accidents and mishaps can occur to any person or at any time, whether by mistake, deliberate act or in the form of a crime committed to any person, and it is the responsibility of state to provide first aid and emergency medical treatment to the injured persons and for that very reason, public or private hospitals must be equipped with sufficient medical staff and infrastructure to deal with every day emergency situations in the Islamabad Capital Territory. These hospitals must provide emergency medical treatment to injured persons, without charges and on urgent basis. In order to achieve the said purpose, this law has been brought to address the problems faced by injured persons and their relatives, for acquiring emergency medical treatment from all hospitals of federal capital.

2. This bill is aimed to achieve the above-said objective.

**Senator Prof. Dr. Mehr Taj Roghani
Member-In-Charge**