

As  
[TO BE INTRODUCED IN THE SENATE]

**A  
BILL**

*further to amend the Injured Persons (Medical Aid) Act, 2004*

**WHEREAS** it is expedient further to amend the Injured Persons (Medical Aid) Act, 2004 (XII of 2004), in its application to the Islamabad Capital Territory, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

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

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Substitution of Section 2, Act XII of 2004.**- In the Injured Persons (Medical Aid) Act, 2004 (XII of 2004), hereinafter referred to as the said Act, for section 2, the following shall be substituted, namely :-

**"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. Substitution of Section 3, Act XII of 2004.-** In the said Act, for section 3, the following shall be substituted, namely:-

**"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 injured patient."

**4. Insertion of Section 3A, Act XII of 2004.-** In the said Act, after section 3, substituted as aforesaid, a new section shall be inserted, namely:-

**"3A. Hospitals to be fully equipped.-** It shall be mandatory' for the hospitals to have and maintain at-least two 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. Amendment of Section 6, Act XII of 2004.-** In the said Act, in section 6, after sub-section (2), the following new sub-sections shall be inserted, namely:-

“(3) Every referring and receiving 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; and
- (h) any other details or information relevant for the purposes of this Act.

(4) 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 days of the receipt of such request.”

**6. Amendment of Section 11, Act XII of 2004.-** In the said Act, in section 11, for the expression, “two years”, the expression, “three years”, for the expression, “ten thousand rupees”, the expression, “five hundred thousand rupees” and in the second proviso, for the expression, “Medical and Dental Council Ordinance, 1962 (XXXII of 1962)”, the expression, “Pakistan Medical and Dental Council Act, 2023 (IV of 2023)” shall be substituted.

**7. Amendment of Section 12, Act XII of 2004.-** In the said Act, in section 12, after sub-section (2), the following new sub-sections shall be inserted, namely:-

“(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.”

**8. Insertion of new Sections 12A, 12B and 12C, Act XII of 2004.-** In the said Act, after section (12), amended as aforesaid, the following new sections shall be inserted, namely:-

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

**12B. Appeal.-** An appeal against the final order of the Court of Session, shall lie to the High Court within thirty days of the passing of such order.

**12C. 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."

**9. Amendment of Section 14, Act XII of 2004.-** In the said Act, in section 14, the phrase "or Provincial" and afterwards, the phrase, "as the case may be," shall be omitted.

#### **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 amendment 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**