

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. PIII

G A Z E T T E

KHYBER PAKHTUNKHWA

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**PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 4th December, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/12956.—The Khyber Pakhtunkhwa Injured Persons and Emergency (Medical Aid) Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 25th November, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 1st December, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA INJURED PERSONS AND EMERGENCY (MEDICAL AID) ACT, 2014

(KHYBER PAKHTUNKHWA ACT NO. XXXVI OF 2014)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 4th December, 2014).

**AN
ACT**

to provide for medical aid and treatment of injured persons
in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to make provisions 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 Khyber Pakhtunkhwa, Injured Persons and Emergency (Medical Aid) Act, 2014.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(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) “emergency” means medical and surgical emergency;

(c) “Government” means the Government of the Khyber Pakhtunkhwa;

(d) “hospital” means a hospital notified under section 7;

(e) “injured person” means a person injured due to traffic accident, assault or any other cause who is in need of an immediate treatment;

(f) “prescribed” means prescribed by rules; and

(g) “rules” means rules made under this Act.

3. **Injured persons to be treated on priority basis.**--- Where an injured person is brought to a hospital, he shall be provided medical aid and without delay, on priority basis, over all other medico-legal formalities.

4. **Non-interference by the police.**--- No police officer or official 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 of the injured person:

Provided that if the relatives of the injured person are present at the time of emergency 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 to another hospital, unless the doctor is of the opinion that the treatment require for the injured person is not available in the hospital.

(2) The injured person, as the doctor deem it necessary under sub-section (1), shall be shifted to an other hospital without any delay alongwith the complete record of the injured person.

(3) The record referred to in sub-section (2), once handed over to be 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 a safe custody where it cannot be tampered with:

Provided that an injured person shall not be shifted, unless he is accompanied by a doctor of the hospital.

7. Hospital to be notified.--- (1) Government shall, by notification in the official Gazette, notify Government hospital 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 an area where above referred facility is not available, a rural health center established by Government in the area, having facility to deal with the emergencies, may be notified as hospital for the purposes of this Act.

(2) The hospital shall have a dedicated and trained doctor in emergency care and medico-legal procedures.

(3) Government shall provide free treatment and care to all the injured persons, immediately, as and when received in the hospital.

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 person. He shall 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 the in charge of the hospital:

Provided that nothing herein contained shall absolve the person bringing an injured person to hospital from any liability under any other 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 thereunder 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 of Judicial Magistrate, First Class may, in case of a doctor, direct the Medical and Dental Council to cancel the registration of such doctor.

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

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

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

14. Power to make rules.--- Government may, by notification, make rules to carry out the purposes of this Act.

15. Repeal and savings.---(1) The Injured Persons (Medical Aid) Act, 2004 (Act No. XII of 2004), to extent of the Province of the Khyber Pakhtunkhwa 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.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa