

**[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]**

**A**

**BILL**

to ensure facility of Birthing Centers and Hospital Maternity Services for women at basic health unit level and prohibit operations by LHVs and para medical staff during delivery process;

WHEREAS it is expedient to provide for basic maternity facility to the women at basic health unit level; to ensure the protection of the pregnant women and child from mal treatment of LHVs and paramedical staff during delivery of a child; and to deal with matters ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.**- (1) This Act may be called the Islamabad Birthing Centre and Hospital Maternity Services Act, 2017.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.**- In this Act:

(a) "child" includes a still-born child;

(b) "delivery" means the birth of a child;

(c) "miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Pakistan Penal Code, 1860;

(d) "Maternity care" means a unique responsibility for Federal Government and health care professionals to support women who might otherwise never or rarely, access health services;

(e) "designated medical officer" means the medical officer designated by the Federal Government;

(f) "Federal Government" means the Government of Pakistan;

(g) "lady health worker" means a person authorized by the Federal Government to administer care to pregnant woman and child;

(h) "maternity services" means a hospital, rural health center, basic health unit or a clinic or any other place designated by Federal Government where maternity services are available for pregnant women and child;

- (i) "outreach team" means a team of lady health workers which moves around to different places and administer maternity care services to women and children;
- (j) "prescribed" means prescribed by the rules made under the Act;
- (k) "Union Council" means the local government which is required by law to maintain child birth record of the local area; and
- (l) "Constitution" means the Constitution of the Islamic Republic of Pakistan;

**3. Birthing and Maternity Services.-** (1) The Government shall establish, maintain or declare birthing and maternity services centers sufficiently equipped to provide delivery and maternity services to all women.

(2) The in-charge of maternity services shall display at prominent place information about availability of expert doctors for delivery and maternity services.

(3) The LHVs and paramedical staff shall not conduct delivery operations of pregnant women in any case.

**4. Certain persons to ensure maternity services.-** (1) An in-charge of a health facility shall ensure that every pregnant women has been provided birthing and maternity facility.

**5. Public servant.-** Every designated medical officer, health worker or any other person authorized under the Act or rules shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

**6. Offences and penalties.-** (1) If any LHV or paramedical staff violate the Provisions of this Act, propagates against birthing and hospital maternity services, intimidates or obstructs a designated medical officer in the performance of the functions under this Act shall be liable to punishment of imprisonment which may extend to one year or fine which shall not be less than fifty thousand rupees or both.

(2) If an in-charge of a Maternity Services Centre or Doctor fails to perform a duty under this Act, he/she shall be liable to punishment of imprisonment which may extend to one year or fine of fifty thousand rupees.

**7. Cognizance and trial of offences.-** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), a court shall take cognizance of an offence under section 6 of this Act on a complaint in writing by any person, who is directly or indirectly affected by the action or omission of the employee of maternity services.



(2) A Magistrate of the first class shall summarily try an offence under this Act in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898) relating to the summary trials and may pass any sentence under section 6.

8. **Compounding of offence.**- The offence under this Act shall be cognizable and non compoundable.

9. **In addition to other laws.**- The provisions of this Act shall be in addition to and not in derogation of any other law.

10. **Power to make rules.**- The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

### **STATEMENT OF OBJECTS AND REASONS**

Every minute of every day, 150 babies are born somewhere in the world. Every minute of every day, one mother dies while attempting to bring forth new life. This would be just another sad statistic, except for the fact that 99% of maternal deaths occur in the under-developed nations, with most occurring in sub-Saharan Africa and Southern Asia. That means only 1% of the world's maternal deaths occur in the United States, Canada, Europe and Australia combined. This distribution of maternal death is injustice by any measure.

The Bill contains provisions containing responsibilities of the Federal Government, incharge of health facilities and Doctors for imparting Birthing and Maternity Services to the women at their door step, Hence this Bill.

Sd/-  
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