

The Gujarat Emergency Medical Services Act, 2007

GUJARAT

India

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The Gujarat Emergency Medical Services Act, 2007Gujarat Act No. 12 of 2007An Act to provide for emergency medical services in the State and for that purpose to establish Gujarat Emergency Medical Services Authority and City and District Emergency Medical Services Councils in the State and for the matters connected therewith or incidental thereto.It is hereby enacted in the Fifty-eighth Year of the Republic of India, as follows:-

Chapter I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Gujarat Emergency Medical Services Act, 2007.(2)It extends to the whole of the State of Gujarat.(3)This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act and any reference in any such provision to the date of the commencement of this Act shall be construed as the reference to the date of coming into force of that provision.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"Advanced Life Support" means special services designed to provide definitive pre-hospital emergency medical care including but not limited to cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and other specified techniques and procedures administered by authorised personnel under the direct supervision of a base hospital as part of a local emergency medical services system at the scene of an emergency, during transport to an acute care hospital, during inter facility

transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital;(2)"Authority" means the Gujarat Emergency Medical Services Authority established under section 4;(3)"base hospital" means a hospital to which a City Council or, as the case may be, a District Council has, by a contract entered into with its management, entrusted the work of providing or directing the life support system or limited life support system and pre-hospital care system;(4)"basic life support" means emergency first aid and cardiopulmonary resuscitation procedures which, as a minimum, include recognizing respiratory and cardiac arrest and starting the proper application of cardiopulmonary resuscitation to maintain life without invasive techniques until the victim may be transported or until life support is available;(5)"bye-laws" means the bye-laws made under this Act by a City Council or, as the case may be, a District Council;(6)"city" means a city as defined in clause (8) of section 2 of the Bombay Provincial Municipal Corporations Act, 1949;(7)"City Council" means a City Emergency Medical Services Council established for a city under section 20;(8)"Commissioner of Health" means the Commissioner of Health of the State of Gujarat;(9)"Director" means the Director of Emergency Medical Services Authority appointed under sub-section (1) of section 3;(10)"District" means a district constituted from time to time under the Bombay Land Revenue Code, 1879 and in the case where a district as so constituted includes a City, excluding that City;(11)"District Council" means a District Emergency Medical Services Council established for a district under section 20;(12)"Emergency Medical Services" means the services provided to meet with a medical emergency;(13)"Emergency Medical Technician" means an individual who is trained in all aspects of basic life support according to standards prescribed by the Authority and who holds a valid certificate issued by the Authority;(14)"Medical Council" means the Medical Council of India constituted under the Medical Council Act, 1956;(15)"Medical Council Act" means the Medical Council Act, 1956;(16)"medical emergency" means a situation-(a)where an individual needs such immediate medical attention and the absence of which would place his health in serious jeopardy, or(b)where the potential for such need is perceived by emergency staff;(17)"member" means a member of the Authority and includes the Chairperson of the Authority;(18)"regulations" means regulations made under this Act;(19)"rules" means rules made under this Act;(20)"State Medical Register" means the register maintained under the Gujarat Medical Council Act, 1967

Chapter II

Director Of Emergency Medical Services

3. Director of Emergency Medical Services.

(1)(a)The State Government may, by notification in the Official Gazette, appoint an officer to be the Director of Emergency Medical Services Authority who shall, subject to the control of the Authority, exercise such powers and perform such functions and duties as are conferred to or imposed on him by or under this Act.(b)No person shall be appointed as a Director under sub-section (1) unless he is a physician or surgeon enrolled on the State Medical Register and who possesses the medical qualification of Doctor of Medicine (General Medicine) or, as the case may be, Master of Surgery (General Surgery or Orthopedic Surgery) granted by Universities or Medical Institutions in India specified in the First Schedule to the Medical Council Act and possesses experience in the practice of

trauma or emergency medicine for a period of not less than five years; Provided that while appointing a person as a Director under clause (a) preference shall be given to a person who possesses additional experience in the administration of services relating to public health. (2)(a) The Director shall be appointed from amongst three persons recommended by the Commissioner of Health, Medical Services and Medical Education. (b) The terms and conditions of appointment of the Director shall be such as may be prescribed by rules. (3) To assist the Director in exercising his powers and performing his functions and duties under this Act, the State Government may appoint such officers and persons and give them such designations as it thinks fit. (4) Subject to the provisions of this Act and the rules and regulations made thereunder, the Director- (a) shall be entitled to- (i) attend the meetings of the Authority; (ii) call for any information, written statement, account or report from base hospitals; (b) shall supervise and control the emergency medical services; (c) shall lay down standards for and approve a Paramedic and Emergency Medical Technicians Training Programme conducted by such institution in the State as is authorised by the Authority; (d) shall prescribe standards for refresher training to be given to persons trained in Paramedic and Emergency Medical Technician Programme; (e) shall participate in the meetings of the committees on emergency medical services; (f) shall appoint committees of such experts as he thinks fit for assistance in the implementation of the emergency medical services; (g) shall appoint such person as a Regional Disaster Medical and Health Co-ordinator for such area of the State as deemed fit.

Chapter III

Establishment and Constitution of Gujarat Emergency Medical Services Authority

4. Establishment and incorporation of Authority.

(1) For the purpose of providing emergency medical services in the State, the State Government shall, by notification in the Official Gazette, establish an Authority by the name of the Gujarat Emergency Medical Services Authority with effect from such date as may be specified in the notification. (2) The Authority shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold or dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

5. Headquarters of Authority.

- The headquarters of the Authority shall be at Ahmedabad or at such other place as the State Government may, by notification in the Official Gazette, specify.

6. Constitution of Authority.

(1)The Authority shall consist of a Chairperson and seventeen other members as follows, namely:-(a)the Secretary to the Government of Gujarat, Health and Family Welfare Department, ex-officio Chairperson;(b)the Secretary to the Government of Gujarat, Legal Department, ex-officio;(c)the Secretary to the Government of Gujarat, Home Department, ex-officio;(d)the Commissioner of Health, Medical Services and Medical Education, ex-officio,(e)a person who is a physician or surgeon enrolled on the State Medical Register and who possesses the medical qualification of Doctor of Medicine or, as the case may be, Master of Surgery granted by Universities or Medical Institutions in India specified in the First Schedule to the Medical Council Act, 1956 and possesses experience in the practice of trauma or emergency medicine for a period of not less than five years, to be appointed by the State Government,(f)the President of the Gujarat Branch of Indian Medical Association, ex-officio,(g)the President of the Gujarat Orthopedic Association, ex-officio,(h)the Director, ex-officio, Member Secretary;(i)the President of the Gujarat Nursing Council, ex-officio,(j)a person, representing the Academy of Traumatology (India) who has experience in trauma life support, to be nominated by the Academy,(k)the President of the Gujarat Ambulances Association, ex-officio,(l)a person from amongst professors in the medical colleges attached to hospitals in the State who have experience in the management of emergency medical services for a period of not less than five years to be nominated by the State Government,(m)the President of the Gujarat Branch of Association of Surgeons of India, ex-officio,(n)a person who being enrolled on the State Medical Register is an administrator of a hospital (not being a Government hospital) having not less than one hundred beds for a period of not less than five years, to be appointed by the State Government,(o)a person to be nominated by the State Government from amongst members of the City Councils,(p)a person, to be nominated by the State Government from amongst members of the District Councils,(q)a person to be nominated by the State Government from amongst the Chief Officers of the Fire Brigades maintained by the Municipal Corporations in the State,(r)the Chief Executive Officer of the Gujarat State Disaster Management Authority established under the Gujarat State Disaster Management Act, 2003, ex-officio,(2)On the constitution of the Authority, there shall be called the first meeting thereof for election of its Chairperson on such day as the Director may specify.

7. Term of office and conditions of service of members.

(1)The term of office of a member shall be three years from the date of his appointment or nomination:Provided that the term of office of a member nominated under clause (1), (n), (o), (p) or (q) of sub-section (1) of section 6 shall come to an end as soon as he ceases to be a professor, administrator, member or, as the case may be, the Chief Officer.(2)The term of office of an ex-officio member shall continue so long as he holds the office by virtue of which he is such a member.(3)A member shall not be entitled to receive any compensation for his services but shall be reimbursed for the travelling and other expenses incurred by him in discharge of his duties.

8. Filling up of vacancy.

- On occurrence of any vacancy in the office of the member due to death, resignation or any other reason, the same shall be filled in by the State Government by nominating a person in the manner provided in sub-section (1) of section 6.

9. Disqualifications.

- A person shall be disqualified for being appointed or being a member of the Authority of such personal is, or at any time, being adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors;(b)is of unsound mind and stands so declared by the competent court;(c)is or has been convicted of any offence which, in the opinion of the State Government, involves moral turpitude; or(d)has, either directly or indirectly, any financial or other interest which is likely to affect prejudicially his functioning as a member.

10. Removal and resignation of member.

(1)Notwithstanding anything contained in sub-section (1) of section 7, the State Government may, at any time, remove any member from office if, in its opinion, such a member-(a)is, or has become subject to any of the disqualifications mentioned in section 9;(b)has been guilty of misconduct in discharge of his duties;(c)has become physically or mentally incapable of discharging his duties as a member;(d)has so abused his position as to render his continuance in office prejudicial to the public interest; or(e)has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months;Provided that no member shall be removed from his office unless an opportunity of being heard is given to the member.(2)Any member may, by writing under his hand addressed to the State Government, resign his office.

11. Meetings of Authority.

(1)The Authority shall meet at such time and at such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure with regard to transaction of its business at the meetings as may be provided by regulations.(2)If the Chairperson, for any reason, is unable to attend any meeting, any other member authorised by the Chairperson present at the meeting, shall preside over the meeting of the Authority.(3)(a)All the questions at a meeting of the Authority shall be decided by a majority of votes of the members present and voting, and in case when there is an equality of votes the chairperson or in his absence, the person presiding, shall have and exercise a second or casting vote.(b)The quorum at the meetings of the Authority shall not be less than five members.

12. Officers and employees of Authority.

(1)The Authority, in order to enable it to perform its functions, may-(a)with the approval of the State Government-(i)appoint a Secretary and(ii)determine such number and category of other officers and employees, and(b)appoint other officers and employees so determined.(2)The manner of

recruitment of, the salary and allowances payable to, and other conditions of service of the Secretary, officers and other employees, shall be such, as may be determined by the Authority by Regulations.

13. Acts and proceedings presumed to be valid.

(1) No act or proceeding of the Authority shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Authority. (2) No act done by any person acting in good faith as a member, shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his appointment.

Chapter IV

Functions of Authority

14. Functions of Authority.

- Subject to the provisions of this Act, the Authority shall perform the following functions, namely:-(a)(i) to ensure provision of emergency medical services in the State; (ii) to ensure provision of such services free of cost to the patients who are determined by the State Government to be Below Poverty Line; (b) to assess the provision of emergency medical services in an area of the State for the purpose of determining the need for additional emergency medical services; (c) to prepare plans for providing emergency medical services in the State in respect of such matters, as may be prescribed by Regulations and lay down guidelines for their implementation; (d) to provide technical assistance to City and District Councils, non-Government organisations, such other agencies providing emergency medical services; (e) to obtain plans from the City and District Councils, non-Government organisations providing emergency medical services and such other agencies for implementation of emergency medical services; (f) to provide financial assistance to City and District Councils and other emergency medical services agencies for the purpose of planning, organising, implementing and maintaining emergency medical services; (g) to accredit trauma centres according to criteria prescribed by Regulations; (h) to lay down minimum standards for the training of the emergency medical technicians; (i) to issue certificates to emergency medical services technicians; (j) to ensure that all training programmes for emergency medical services technicians are located in an approved hospital or educational institution; (k) to approve standards and guidelines laid down by the Director for the implementation of emergency medical services and, if necessary, to review the same; (l) to advise the Director on the planning of an emergency medical services data collection system; (m) to advise the Director in respect of the communications, medical equipments, training personnel facilities and other components of an emergency medical services system; (n) to recommend to the Director, City and District Councils and other emergency medical services agencies further planning of the emergency medical services in the State; and (o) to perform such other functions as are entrusted to it by rules.

Chapter V

Finance, Accounts, Audit and Reports of Authority

15. Fund of Authority.

(1)(a)A token provision of Rs. 15 lakh is made in the non plan budget of medical services in the year 2005-06.(b)The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made therefrom.(2)The Authority may accept grants, subventions, donations and gifts from the Central or the State Government or a local authority or any individual or body, whether incorporated or not, for the purposes of this Act.(3)The Authority may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as expenditure payable out of the fund of the Authority.(4)All moneys belonging to the fund of the Authority shall be kept in any corresponding new Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882 at the discretion of the Authority.

16. Borrowing of money.

- The Authority may, with the previous approval of the State Government, borrow money from the open market or otherwise, for the purpose of carrying out its functions under this Act.

17. Budget.

(1)(a)The Authority shall, by such date in each year as may be prescribed by rules, submit to the State Government for approval a budget in the prescribed form for the next financial year, showing the estimated receipts and expenditure, and the sums which would be required from the State Government during that financial year.(b)If any sum granted by the State Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the State Government for that year.(2)No sum shall be expended by or on behalf of the Authority unless the expenditure is covered by provision in the budget approved by the State Government.

18. Accounts and Audit.

(1)The accounts of the Authority shall be prepared and maintained in such form and in such manner as may be prescribed by rules.(2)The Authority shall cause to be prepared for such financial year an annual statement of accounts in such form as may be prescribed by rules.(3)The accounts of the Authority shall be audited by an Auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956.(4)The Auditor shall be appointed by the Authority.(5)Every

Auditor appointed to audit the accounts of the Authority under this Act shall have a right to demand the production of books of accounts, connected vouchers and other documents and papers, to inspect the offices of the Authority and to require such information from the Authority as he may think necessary for performance of his duty as an auditor.(6)The Auditor shall send a copy of his report together with a copy of audited accounts to the Authority which shall, as soon as may be after the receipt of the audit report, forward the same to the State Government.(7)The State Government shall, as soon as may be after the receipt of the audit report under sub-section (6), cause the same to be laid before the State Legislature.

19. Annual report.

(1)The Authority shall, during each financial year prepare, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous financial year and an account of activities likely to be undertaken by it in the current financial year and copies of such report shall be forwarded to the State Government.(2)The State Government shall cause every such report to be laid before the State Legislature within a period of six months from the date of its receipt under sub-section (1).

Chapter VI

Establishment and Constitution of City and District Emergency Medical Services Councils

20. Establishment and incorporation of City and District Emergency Medical Services Councils.

(1)For the purpose of providing emergency medical services in every City and in every District, the State Government shall, by notification in the Official Gazette, establish a City Emergency Medical Services Council for every City by the name of such City and a District Emergency Medical Services Council for every District by the name of such District with effect from such date as may be specified in the notification and different dates may be specified for different City and District Emergency Medical Services Councils.(2)Every City Council and every District Council shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold and dispose of property, both movable and immovable, and to enter into contract and do all things necessary for the purposes of this Act.

21. Headquarters of City and District Councils.

- The headquarters of the City Council shall be in the City for which it is established and the headquarters of the District Council shall be at such place in the District for which it is established as the District Council may, by order in writing direct.

22. Constitution of City Council.

- The City Council shall consist of a Chairperson and seven other members as follows, namely:-(a)the Municipal Commissioner of the Municipal Corporation of the City, ex-officio who shall be the Chairperson,(b)the President of the branch of the Indian Medical Association in the City, ex-officio,(c)the Chief Health Officer in the City, ex-officio, Member-Secretary,(d)the Commissioner of the Police of the City, ex-officio,(e)the Chief Officer of the Fire Brigade maintained by the Municipal Corporation of the City, ex-officio,(f)the President of District Blood Transfusion Council, ex-officio.(g)a person representing hospitals in the City registered with the City Council, to be nominated by the Authority in consultation with the Council, and(h)a person representing the non-Government organisations which are associated with the work of providing emergency medical services in the City to be nominated by the Authority in consultation with the City Council.

23. Constitution of District Council.

- The District Council shall consist of a Chairperson and eight other members, as follows, namely:-(a)the Collector of the district, ex-officio, who shall be the Chairperson,(b)the President of the branch of the Indian Medical Association of the district, ex-officio,(c)the Chief District Medical officer of the district, ex-officio,(d)the Chief District Health Officer of the District, ex-officio,(e)the Superintendent of Police of the district, ex-officio.(f)the Chief Officer of the Fire Brigade maintained by the State Government in the district,(g)the President of the District Blood Transfusion Council, ex-officio,(h)a person representing hospitals in the district registered with the District Council, to be nominated by the Authority in consultation with the Council, and(i)a person representing the non-Government organisations which are associated with the work of providing emergency medical service in the district, to be nominated by the Authority in consultation with the District Council.

Chapter VII

Provisions Relating to Members of Councils

24. Definitions.

- In this Chapter, unless the context otherwise requires,-(a)"Council" means the City Council or, as the case may be, the District Council,(b)"member" means a member of the Council.

25. Term of office and conditions of service of members.

(1)The term of office of a member shall be three years from the date of his nomination.(2)The term of office of an ex-officio member shall continue so long as he holds the office by virtue of which he is such a member.(3)A member shall not be entitled to receive any compensation for his services but shall be reimbursed for the travelling and other expenses incurred by him in discharge of his duties.

26. Filling up of vacancy.

- On occurrence of any vacancy in the office of a member by reason of death, resignation or any other reason, the same shall be filled in by the authority nominating him in the manner provided in section 22 or, as the case may be, section 23.

27. Disqualifications.

- A person shall be disqualified for being appointed or being a member of the Council, if such person is, or at any time being adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors,(b)is of unsound mind and stands so declared by a competent Court,(c)is, or has been convicted of any offence which, in the opinion of the Authority, involves moral turpitude, or(d)has, either directly or indirectly, any financial or other interest which is likely to affect prejudicially his functioning as a member.

28. Removal and resignation of member.

(1)Notwithstanding anything contained in sub-section (1) of section 25, the Authority may, at any time, remove any member from office if, in its opinion, such a member-(a)is, or has become subject to any of the disqualifications mentioned in section 27;(b)has been guilty of misconduct in discharge of his duties;(c)has become physically or mentally incapable of discharging his duties as a member,(d)has so abused his position as to render his continuance in office prejudicial to the public interest; or(e)has, without reasonable cause, refused or failed to perform his duties for a period of not less than three months:Provided that no member shall be removed from his office unless an opportunity of being heard is given to the member.(2)Any member may, by writing under his hand addressed to the Authority, resign his office.

29. Meetings of Council.

(1)The Council shall meet at such time and at such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure in regard to transaction of its business at the meetings, as may be provided by the bye-laws.(2)If the Chairperson is, for any reason, unable to attend any meeting, any other member authorised by the Chairperson present at the meeting, shall preside over the meeting of the Council.(3)(a)All the questions at a meeting of the Council shall be decided by a majority of votes of the members present and voting, and in case when there is an equality of votes, the Chairperson or in his absence, the presiding member shall have and exercise the second or casting vote.(b)The quorum at the meetings of the Council shall not be less than three members.

30. Officers and employees of Council.

(1)The Council, in order to enable it to perform its functions, may-(a)with the approval of the Authority-(i)appoint a Secretary; and(ii)determine the number and category of other officers and employees, and(b)appoint other officers and employees so determined.(2)The manner of

recruitment of, the salary and allowances payable to, and other conditions of service of the Secretary, officers and other employees, shall be such as may be determined by the Council by bye-laws.

31. Acts and proceedings presumed to be valid.

(1) No act or proceeding of the Council shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Council. (2) No act done by any person acting in good faith as a member shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his appointment.

Chapter VIII

Functions of City and District Councils

32. Functions of Councils.

- Subject to the provisions of this Act, a City Council and a District Council shall perform the following functions, namely:-(a) to ensure provision of emergency medical services in the City or District; (b) to prepare plans for implementation of emergency medical services in the City or, as the case may be, in the District; (c) to entrust the work of providing or directing the life support system or limited life support system and pre-hospital care system to a hospital situate, in the City or, as the case may be, in the District; (d) to prepare and maintain a register of base hospitals to which the Council has entrusted the work under clause (c); (e) to supervise the functioning of base hospitals; (f) to establish trauma centres in the City or, as the case may be, in the District; (g) to grant certificates of recognition to persons referred to in section 45, non-Government organisations or persons for providing emergency medical services under section 46; (h) to grant licences to ambulances to provide advanced life support service or basic life support service under section 49; and (i) to perform such other functions as are entrusted to it by regulations.

Chapter IX

Finance, Accounts, Audit and Reports of Councils

33. Definition.

- In this Chapter, unless the context otherwise requires, the word "Council" means the City Council or, as the case may be, the District Council.

34. Fund of Council.

(1) The Council shall have its own fund and all receipts of the Council shall be carried thereto and all payments by the Council shall be made therefrom. (2) The Council may accept grants, subventions, donations and gifts from the Central or the State Government or a local authority or any individual

or body, whether incorporated or not, for the purposes of this Act.(3)The Council may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as expenditure payable out of the fund of the Council.(4)All moneys belonging to the fund of the Council shall be kept in any corresponding new Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and approved by the State Government for the purpose or invested in securities authorised by the Trusts Act, 1882 at the discretion of the Council.

35. Borrowing of money.

- The Council may, with the previous approval of the State Government, borrow money from the open market or otherwise for the purpose of carrying out its functions under this Act.

36. Budget of Council.

(1)(a)The Council shall, by such date in each year as may be prescribed by rules, submit to the State Government for approval a budget in the prescribed form for the next financial year, showing the estimated receipts and expenditure, and the sums which would be required from the State Government during that financial year.(b)If any sum granted by the State Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the State Government for that year.(2)No sum shall be expended by or on behalf of the Council unless the expenditure is covered by provision in the budget approved by the State Government.

37. Accounts and Audit.

(1)The accounts of the Council shall be prepared and maintained in such form and in such manner as may be prescribed by rules.(2)The Council shall cause to be prepared for such financial year an annual statement of accounts in such form as may be prescribed by rules.(3)The accounts of the Council shall be audited by an Auditor duly qualified to act as an Auditor of companies under section 226 of the Companies Act, 1956.(4)The Auditor shall be appointed by the Council.(5)Every Auditor appointed to audit the accounts of the Council under this Act shall have a right to demand the production of books of accounts, connected vouchers and other documents and papers, to inspect the offices of the Council and to require such information from the Council as he may think necessary for performance of his duty as an auditor.(6)The Auditor shall send a copy of his report together with the copy of audited accounts to the Council which shall, as soon as may be after the receipt of the audit report, forward the same to the State Government.(7)The State Government shall, as soon as may be, after the receipt of the audit report under sub-section (6), cause the same to be laid before the State legislature.

38. Annual report.

(1)The Council shall, during each financial year prepare, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous financial year and an account of activities likely to be undertaken by it in the current financial year and copies of such report shall be forwarded to the State Government.(2)The State Government shall cause every such report to be laid before the State Legislature within a period of six months from the date of its receipt under sub-section (1).

Chapter X

Base Hospitals

39. Contracts to be entered into by City Councils and District Councils with management of hospitals.

- A City Council and a District Council shall entrust the work of providing or directing the life support system or limited life support system and pre-hospital care system to a hospital situate, in the city or, as the case may be, in district, by a contract entered into with the management of the hospital.

40. Registers of base hospitals.

- The City Council and the District Council shall prepare and maintain a register of base hospitals to which the Council has entrusted the work of providing or directing the life support system or limited life support system and pre-hospital care system.

41. Duties of base hospitals.

- Every base hospital shall-(a)establish and maintain medical equipments for providing or directing the life support system or limited life support system and pre-hospital care system;(b)provide separate accommodation to be used for the aforesaid purpose to be known as "the Emergency Department";(c)employ a full or part time physician or surgeon, as a Director of Emergency Department of the hospital, who is enrolled on the State Medical Register and who possesses the medical qualification of Master of Surgery (General Surgery or Orthopedic Surgery) granted by a university or institution specified in the First Schedule to the Medical Council Act, 1956 and who has substantial experience in the practice of trauma care or emergency medicine;(d)employ and maintain staff consisting of medical, para-medical, general medical technicians and such other persons as it may consider necessary and such staff shall perform their duties under the supervision and control of the Director of Emergency Department for the purpose of carrying out its duties under the contract with the City Council or, as the case may be, District Council;(e)maintain one or more ambulances of the nature specified in Chapter XI for providing the emergency medical services;(f)provide easy access to emergency medical services to persons who are in need of

treatment in medical emergency; and(g)perform such other duties as may be specified in the bye-laws.

42. Base hospitals not to discriminate on grounds of religion, race, caste, sex, etc.

- The base hospital shall provide emergency medical services to every person irrespective of his religion, race, caste, sex, descent, place of birth, residence or any of them.

43. Supervision and control of Councils over base hospitals.

- The base hospital shall generally carry out its duties subject to supervision and control of the City Council or, as the case may be, the District Council.

Chapter XI

Requirements of Ambulances

44. Requirements to be satisfied by person holding licence.

(1)In respect of an ambulance vehicle the holder of a licence granted under section 49 shall be required to satisfy the licensing officer that-(a)the vehicle contains equipments relating to visual and audible signals as on emergency vehicle such as flashing or revolving lights;(b)the standards in force at the time the vehicle is manufactured and not inconsistent with the Motor Vehicles Act, 1988, relating to design, floor, general configuration and exterior markings and such other matters as may be prescribed by rules, are maintained;(c)the ambulance vehicle shall carry such equipments and supplies in working order to be readily available for use for providing Basic Life Support and Advanced Life Support;(d)the ambulance vehicle shall carry such medical equipments and supplies as may be prescribed by rules;(e)the ambulance vehicle may carry after life support equipments and drugs in addition to those generally prescribed for use by a Basic Life Support Ambulance Service.(2)(a)A Basic Life Support Ambulance when carrying a patient except in the routine carriage of patient who is convalescing or is not on medical emergency, shall be staffed by at least two persons, one of whom shall be an Emergency Medical Technician, Emergency Medical Technician Paramedic or Health Professional and one of whom shall be a person who is qualified as an ambulance attendant.(b)An Emergency Medical Technician Paramedic or Health Professional shall accompany the patient in the compartment of the ambulance during his carriage.(3)An Advanced Life Support Ambulance shall be staffed with two persons both of whom are Health Professionals or one is Health Professional and the other is either an Emergency Medical Technician or an Emergency Medical Technician Paramedic or one is an Emergency Medical Technician and the other is an Emergency Medical Technician Paramedic or both of whom are Emergency Medical Technician Paramedics.(4)The staff specified for Advanced Life Support Ambulance shall remain on duty for 24 hours a day for seven days a week.(5)(a)Ambulance driver shall be qualified as a driver according to the provisions of Motor Vehicles Act, 1988.(b)Besides the qualifications provided in the

Motor Vehicles Act, 1988, the Ambulance driver shall have successfully completed an Emergency Vehicle Operators' Course of Instructions approved by the City Council or, as the case may be, by the District Council.(6)The holder of a licence shall apprise the hospitals in his area of operation as to when the ambulance service shall not be in operation due to inadequate staffing or for any other reason and when his resources are committed in such manner that he would not be able to have an ambulance and required staff to respond to a call to provide emergency assistance.(7)A holder of licence may stock such drugs as are approved by the City Council, the District Council or, as the case may be, the base hospital.(8)(a)Where an ambulance vehicle manifests an evidence of a mechanical or equipment deficiency which poses a significant threat to the health or safety of patient or crew, the holder of the licence shall immediately withdraw the vehicle from operation.(b)No ambulance vehicle, which has been withdrawn from operation, shall be operated as an ambulance until the deficiency has been corrected.

Chapter XII

Regulation of Providing Emergency Medical Service

45. Prohibition against advertising, proclaiming, etc. of providing emergency medical service without valid certificate of recognition.

- No person shall advertise, proclaim, profess or represent that he provides emergency medical service in a City or a District unless such person possesses a valid certificate of recognition issued to him by an officer authorised in this behalf by a City Council or, as the case may be, a District Council (hereinafter referred to as "the authorised officer").

46. Grant of certificate of recognition.

(1)(a)A person referred to in section 45 or a Non-Government Organisation or an association of persons may take an application to an authorised officer for grant of certificate of recognition (hereinafter referred to as "the certificate") for providing emergency medical service in a City, or as the case may be, in a District.(2)A person referred to in section 45 or a Non-Government Organisation or an association of persons providing emergency medical service on the date of coming into force of this Act (hereinafter referred to as "the said date") shall, within three months from the said date, make an application to the authorised officer for grant of a certificate for providing emergency medical service and-(i)a person who makes such an application shall be deemed to have been authorised to provide emergency medical service from the said date till the date on which he is either granted or refused a certificate, and(ii)a person, who does not make such application within the said period of three months, shall be deemed to be providing emergency medical service without a certificate.(2)Every such application under sub-section (1) shall be made in such form and shall contain such particulars including those regarding the competency of the applicant to provide emergency medical service and accompanied by such fees, as may be prescribed by the regulations.(3)The authorised officer may grant a certificate to the applicant in such form containing such terms and conditions and on payment of such fees, as may be prescribed by the regulations.(4)A certificate granted under this section shall be valid for a period of three years from

the date on which it is granted and may be renewed from time to time for the said period on such terms and conditions and on payment of such fees, as may be prescribed by the regulations.(5)Unless it is specifically provided in the terms of a certificate, the grant of a certificate to a person shall not in any way hinder or restrict the power of the authorised officer to grant a certificate to another person in respect of the same area.

47. Revocation, suspension and amendment of certificate.

(1)If the authorised officer is satisfied, either on a reference made to him in this behalf or otherwise that-(a)a certificate granted under section 46 has been obtained by misrepresentation as to an essential fact, or(b)the holder of a certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Act or the rules, regulations or bye-laws made thereunder, then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Act, the authorised officer may, after giving the holder of the certificate an opportunity of showing cause, revoke or suspend the certificate.(2)Subject to any regulations that may be in this behalf, the authorised officer may also vary or amend a certificate granted under section 46.

48. Prohibition against providing ambulance service without a valid licence.

- No person shall advertise, proclaim, profess or represent that he is engaged in providing Advanced Life Support Ambulance Service or Basic Life Support Ambulance Service in a City or in a District unless he holds a valid licence as an Advanced Life Support Ambulance Service or Basic Life Support Ambulance Service issued by an officer authorised in this behalf by a City Council or, as the case may be, a District Council (hereinafter referred to as "the licensing officer").

49. Grant of licence.

(1)Any person desiring to engage in providing Advanced Life Support Ambulance Service or Basic Life Support Ambulance Service in a City or in a District may make an application for a licence to a licensing officer in such form containing such particulars including the competency of the applicant to engage in providing such service and accompanied by such fees, as may be prescribed by the regulations.(2)The licensing officer may, after verification of the accuracy of the particulars specified in the application, inspection of the applicant's vehicle and equipments provided therein and verification of qualifications of the personnel to be employed therein and such other matters as may be prescribed by the regulations, grant a licence to the applicant in such form containing such terms and conditions and on payment of such fees, as may be prescribed by the regulations.(3)A licence granted under this section shall be valid for a period of three years from the date on which it is granted and may be renewed from time to time for the said period on such terms and conditions and on payment of such fees, as may be prescribed by the regulations.(4)Unless it is specifically provided in the terms of a licence, the grant of a licence to a person shall not in any way hinder or restrict the power of licensing officer to grant a licence to another person in respect of the same area.

50. Revocation, suspension and amendment of licence.

(1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that-(a) a licence granted under section 49 has been obtained by misrepresentation as to an essential fact, or (b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules, regulations or bye-laws made thereunder, then without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence. (2) Subject to any regulation that may be made in this behalf, the licensing officer may also vary or amend a licence granted under section 49.

51. Prohibition against change of location or area of operation.

- No holder of a licence granted under section 49 shall change location or area of operation of service in the City or in the District which would not enable him to timely respond to emergency in the emergency area specified in the licence unless on an application made in that behalf to the licensing officer, the licensing officer gives consent to such a change in writing and records such change in the licence.

52. Prohibition against organising a public event without arranging for emergency medical services.

- No person shall organise a public event such as a public meeting, public show, cricket match, religious function, at any place in the State where not less than 25,000 people are likely to assemble unless he ensures at his cost the availability of emergency medical services at that place to meet with any eventuality.

53. Appeals.

(1) Appeals shall lie to the Director against the following orders, namely;-(a) an order refusing to grant a certificate under section 46 or to grant a licence under section 49, and (b) an order revoking or suspending a certificate under section 47 or a licence under section 50. (2) No appeal shall be entertained unless it is filed within a period of sixty days from the date of communication of the order. (3) The Director may admit an appeal after the period of limitation specified in subsection (2), if the appellant satisfies the Director that he had sufficient cause for not filing an appeal within such period. (4) In computing the period of limitation, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply. (5) Notwithstanding anything contained in the Gujarat Court-fees Act, 2004, an appeal under this section shall bear a court fee stamp of such value, as may be prescribed by the regulations.

54. Bar of jurisdiction of Civil Court.

(1) No civil court shall have jurisdiction to deal with or decide any question which the Director, the Authority, a City Council or a District Council or any officer of the Authority, a City Council or a District Council is empowered to deal with or decide by or under this Act. (2) No order passed under this Act or any rules, regulations or appeals made thereunder by the Director, the Authority, a City Council or a District Council or any officer of the Authority, a City Council or a District Council shall be called in question in any civil court.

Chapter XIII

Offences and Penalties

55. Offences and penalties.

(1) Whoever contravenes the provisions of section 45 or 51, shall be punishable on the first conviction with fine which may extend to twenty-five thousand rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine which may extend to fifty thousand rupees or with both. (2) Whoever contravenes the provisions of section 48 or 52 shall be punishable on the first conviction with fine which may extend to fifty thousand rupees and on any subsequent conviction with imprisonment which may extend to six months or with fine which may extend to one lakh rupees or with both.

56. Offences by companies.

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence is committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purpose of this section - (a) "company" means a body corporate and includes a company as defined under the Companies Act, 1956, a firm or other association of individuals; and (b) "director" in relation to a firm means a partner in the firm.

57. Cognisance of offences.

(1) No court shall take cognisance of an offence punishable under section 55 except on a complaint in writing made by an officer of the City Council or, as the case may be, the District Council generally or specially authorised in this behalf. (2) Notwithstanding anything contained in section 200 of the Code of Criminal Procedure, 1973, it shall not be necessary, in respect of the offence referred to in subsection (1), to examine the authorised officer when the complaint is presented in writing.

Chapter XIV

Miscellaneous

58. Power of State Government to issue directions to Authority.

(1) In performance of its functions under this Act, the Authority shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time: Provided that the Authority shall be given an opportunity to express its views before any direction is given under this sub-section. (2) The decision of the State Government, whether a question is one of policy or not, shall be final.

59. Power of Authority to issue directions.

(1) In performance of its functions under this Act, the City Council or, as the case may be, the District Council shall be bound by such directions on questions of policy as the Authority may give in writing from time to time: Provided that the City Council, or as the case may be, the District Council shall be given an opportunity to express its views before any direction is given under this subsection. (2) The decision of the Authority, whether a question is one of policy or not, shall be final.

60. Members, officers and servants of Authority, City Council and District Council to be public servants.

- Every member, officer and servant of the Authority, the City Council and the District Council shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rules or regulations or bye-law made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

61. Protection of action taken under Act.

- No suit, prosecution or other legal proceeding shall lie against the Authority, the City Council or, as the case may be, the District Council or any member, officer or servant of the Authority, the City Council or, as the case may be, the District Council for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or of any rules or regulations or bye-laws made thereunder.

62. Power of State Government to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.(3)The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication:Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.(4)All rules made under this section shall be laid for not less thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.(5)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

63. Power of Authority to make regulations.

(1)The Authority may, with the previous approval of the State Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.(2)In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the matters expressly required or allowed by this Act to be specified by regulations.

64. Power of City Council and District Council to make bye-laws.

(1)The City Council and the District Council may, with the previous approval of the Authority, make bye-laws not inconsistent with this Act, or with rules and regulations made thereunder for enabling it to perform its perform its functions under this Act.(2)In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters expressly required or allowed by this Act to be specified bye-laws.

65. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.(2)Every order made under this section shall be laid as soon as may be, after it is made, before the State Legislature.