

HC asks state to frame new law to deal with medical emergencies

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Maharashtra asked to take a leaf out of Gujarat's books-the only state with such an essential act.

Following a Public Interest Litigation (PIL) on the increasing number of deaths due to snake bites in rural Maharashtra, the Bombay High Court ordered the state government to consider framing an Emergency Medical Services Act along the lines of the one in Gujarat. The Act, if passed, will make emergency medical aid as good as a fundamental right.



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While hearing the PIL filed by Dr Sarita Parikh of Creative Responsible Integrated Systems Foundation (CRISYS), the amicus curiae (court appointed advisor) Jamshed Mistry pointed the court towards the 'Gujarat Emergency Medical Services Act, 2007' under which a broad mechanism had been developed to provide emergency medical services to its residents. "Such an Act is absolutely necessary for Maharashtra to help monitor and streamline the emergency medical services," said Mistry. The bench observed that, "The state of Maharashtra may look into provisions of the said Act and consider whether it will be advisable to promulgate an Act of this nature."

In 2006, a consultative meet had been held in Mumbai to discuss the need of a state specific emergency medical services act. The session was attended by NGOs, health authorities from various states and doctors from India as well as the US. "The Gujarat government took to the idea immediately and drafted, tabled and implemented the Act in 2007. But nothing moved in Maharashtra," said Paresh Navalkar of Society of Emergency Medicine, India.

However, according to Navalkar, Maharashtra has taken one positive step by forming the Maharashtra Emergency Medical Services (MEMS) -- a fleet of 937 basic and advanced life support ambulances. "Having an Act in place would mean that all the services are well-monitored but this comes with a fear of increased red tapism," he added.

If the Act comes in place, government as well as private ambulances will be monitored and audited by an EMS council. Glaring problems, like ill-equipped ambulances, unskilled paramedics on board or ambulances without medically trained staff, will be avoided. The Act will also call for monitoring of the training institutes and other regulations to make the most of the golden hour in a medical emergency. Further, the Act will regulate action in case of lapses, by appointing supervisors or auditors.

"Since the court has given an order, it is a very good opportunity for the medical professionals to pressurise the government to pass the Act in Maharashtra," said Dr Lalit Kapoor, medico-legal expert of the Association of Medical Consultants. "We will try to get other medical associations together for this cause," he added.