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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 20th September, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/6083.—The Khyber Pakhtunkhwa Emergency Rescue Service Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 7th September, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 17th September, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMERGENCY RESCUE SERVICE ACT, 2012

(KHYBER PAKHTUNKHWA ACT NO. XV OF 2012)

(first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa (Extraordinary), dated the 20th September, 2012).

AN
ACT

*to provide for the establishment of the
Khyber Pakhtunkhwa Emergency Rescue Service.*

Preamble.—WHEREAS it is expedient to establish an emergency rescue service for the purpose of maintaining a state of preparedness to deal with emergencies, to provide timely response, rescue and emergency medical treatment to the persons affected by emergencies and recommending measures to be taken by related organizations to avoid or combat emergencies;

It is hereby enacted as follows:-

1. Short title, extent and commencement.—(1) This Act may be called the Khyber Pakhtunkhwa Emergency Rescue Service Act, 2012.

(2) It shall extend 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 to the subject or context, -

- (a) "Board" means the District Emergency Board constituted under section 9;
- (b) "Council" means the Khyber Pakhtunkhwa Emergency Council constituted under section 5;
- (c) "Director" means a Director appointed under section 11;
- (d) "Director General" means the Director General appointed under section 10;
- (e) "district" means a district as notified by Government under the West Pakistan Land Revenue Act, 1967 (W.P. Act No. XVII of 1967);
- (f) "District Emergency Officer" means the District Emergency Officer appointed under section 13;
- (g) "emergency" means a serious and potentially dangerous situation requiring immediate remedial action such as an accident, hazardous material incident, fire, explosion, natural or manmade disaster and medical emergencies;
- (h) "emergency area" means the area affected by an emergency;
- (i) "Emergency Officer" means an Emergency Officer appointed under section 13;
- (j) "Fund" means the Emergency Rescue Service Fund established under section 16;
- (k) "Government" means the Government of the Khyber Pakhtunkhwa;
- (l) "non-governmental organization" includes any private agency or body working voluntarily for the welfare of the persons affected by an emergency;
- (m) "premises" includes land, place, building, vehicle, vessel or aircraft or any part of premises;
- (n) "prescribed" means prescribed by rules or regulations made under this Act;
- (o) "Provincial Assembly" means the Provincial Assembly of the Province;
- (p) "Province" means the Province of the Khyber Pakhtunkhwa;
- (q) "regulations" mean regulations made under this Act;

- (r) "Rescuer" means a member of the Rescue 1122 appointed under section 14;
- (s) "Rescue 1122" means the Khyber Pakhtunkhwa Emergency Rescue Service 1122 established under section 3;
- (t) "Rescue Station" means a place where an office of the Rescue 1122 is established;
- (u) "rules" mean rules made under this Act;
- (v) "section" means a section of this Act; and
- (w) "Volunteer" means a person who is registered as such by the Rescue 1122 or engaged by a Rescuer in emergency area to assist the Rescue 1122 in the exercise of its functions under this Act.

3. Establishment of the Rescue 1122.—(1) As soon as after the commencement of this Act, Government shall establish an Emergency Rescue Service to be known as the Khyber Pakhtunkhwa Emergency Rescue Service hereinafter referred to as "Rescue 1122".

(2) The Rescue 1122 shall be a body corporate having perpetual succession and a common seal, with power to enter into contract, acquire, hold and dispose of property, and may by its name sue or be sued.

(3) The main office of the Rescue 1122 shall be at Peshawar. The Rescue 1122 shall have its district offices at such other places in the Province, as the Council may deem it proper.

(4) The Rescue 1122 shall have the authority to accept donations in the shape of land, vehicles equipments, fund and other such items which may facilitate the functioning of the Rescue 1122 and all such donations shall be used, maintained and disposed of by the Rescue 1122 in the manner as may be prescribed.

(5) All the employees of the Rescue 1122 shall be governed under the West Pakistan Essential Services (Maintenance) Act, 1958 (W.P. Act No. XXXIV of 1958) and rules or regulations made under this Act.

4. Aims and Objectives of the Rescue 1122.—The aims and objectives of the Rescue 1122 shall be to-

- (a) maintain a state of preparedness to deal with emergencies;
- (b) provide timely response, rescue and emergency medical treatment to the victims of an emergency including medical and surgical emergencies;
- (c) establish a system for rapid communication, exchange of information and quick response to combat or deal with an emergency;
- (d) arrange for a universal toll free emergency dial-in-number as may be allocated by

- (e) play a lead role and coordinate the working of other organizations or agencies which have lawful authority to respond to an emergency;
- (f) arrange transport where necessary for carrying persons requiring emergency medical treatment from the emergency area to the nearest hospital or health care unit having arrangements for emergency medical care and treatment;
- (g) establish community emergency response teams through enlistment, training, coordination and supervision of volunteers to assist the Rescue 1122 in safety promotion and management of emergencies;
- (h) impart training and grant certificates to rescuers, volunteers and other private persons for due performance of emergency management duties;
- (i) establish direct contact with local and international organizations and training institutions to maintain the Rescue 1122 according to international standards;
- (j) collect, compile, maintain and analyze emergency response data and statistics relating to emergencies and to use it for research and prevention of such emergencies;
- (k) implement the regulations framed by the Council for dealing with emergencies in accordance with the provisions of this Act;
- (l) suggest measures for the prevention or mitigation of hazards endangering public safety on roads, public parks and other public places particularly exhibitions, trade shows, amusement parks, and fairs with regard to public safety provisions;
- (m) encourage, facilitate, and train staff of non-governmental organizations and educational institutions for emergency management;
- (n) register and ensure minimum standards and code of conduct to be followed by rescue vehicles, ambulances and patient transportation services; and
- (o) coordinate and maintain an effective liaison with all other organizations managing emergencies.

5. Council.---There shall be a Council of the Rescue 1122 to be known as the Khyber Pakhtunkhwa Emergency Council consisting of the following:

- (a) Chief Minister of the Khyber Pakhtunkhwa; Chairman
- (b) Chief Secretary of the Khyber Pakhtunkhwa; Member
- (c) four Members of the Provincial Assembly which shall include one female and one opposition member to be nominated by the Speaker of the Provincial Assembly; Members

(d)	Secretary to Government, Home and Tribal Affairs Department;	Member
(e)	Secretary to Government, Finance Department;	Member
(f)	Secretary to Government, Health Department;	Member
(g)	Secretary to Government, Local Government Department;	Member
(h)	Secretary to Government, Transport Department;	Member
(i)	Secretary to Government, Relief, Rehabilitation and Settlement Department;	Member
(j)	Provincial Police Officer, Khyber Pakhtunkhwa;	Member
(k)	Director General, Provincial Environmental Protection Agency;	Member
(l)	two representatives (one each from the Government teaching hospitals and non-governmental organizations), to be nominated by Government, for a period of three years; and	Members
(m)	Director General.	Secretary.

6. Meetings of the Council.---(1) A meeting of the Council shall be called by the Chairman on such date and at such place as he may deem appropriate.

- (2) The quorum for the meeting of the Council shall be seven.
- (3) The Council shall meet at least once within three months.
- (4) The Council may co-opt or invite any person depending on the requirement of its meeting.

7. Powers and functions of the Council.---(1) Subject to the provisions of this Act and rules, the Council shall exercise such powers and perform such functions, as may be necessary for carrying out the purposes of this Act.

- (2) Without prejudice to the generality of the fore-going sub-section, the Council shall-

- (a) lay down the policy and guidelines and issue directions for efficient, effective and expeditious actions in dealing with emergencies;
- (b) issue regulations to prescribe the minimum standards for the offices and staff to maintain efficiency and effectiveness of the Rescue 1122;
- (c) approve the annual management plan including the annual budget of the Rescue 1122;
- (d) make recommendations to Government for administrative, legal and financial measures required to sustain the Rescue 1122;
- (e) approve measures with regard to matters relating to the Federal Government, other Provinces and donors;
- (f) review and analyze statistics relation to all emergency incidents, accidents and disasters;
- (g) issue special directions to the Board; and
- (h) oversee the working of the Rescue 1122 and the training institutions.

8. Delegation of powers.---The Council may, by general or special order, delegate to the Chairman or a member of the Council or Director General any of its powers and functions under this Act subject to such conditions as it may deem fit.

9. District Emergency Board.---(1) As soon as after the commencement of this Act, the Council may by notification published in the official Gazette, constitute a District Emergency Board for a district for the prevention and effective management of emergency in the district.

(2) The Board shall have such powers and shall perform such functions as may be assigned to it by the Council.

10. Director General.---(1) Government shall appoint a Director General, who shall be the Chief Executive Officer of the Rescue 1122 and shall exercise such powers and perform such functions as may be assigned to him by the Council.

(2) The Director General shall be a person who-

- (a) is a postgraduate in emergency management or an emergency subject or has specialization in management of trauma or emergency patients or is a medical postgraduate;
- (b) has adequate knowledge, formal training and expertise in the field of emergency management; and
- (c) is not more than sixty years of age.

(3) The Director General shall be appointed initially for a period of three years and shall be eligible for re-appointment for similar term on recommendation of the Council, keeping in view his performance and may remove him before the expiry of his tenure, if, he is not physically or mentally fit or is incapable of performing his duties.

(4) The Director General shall be responsible for the day to day administration of the affairs of the Rescue 1122.

(5) The Director General shall be paid such salary, allowances and other benefits and shall be subject to such terms and conditions of service as are laid down in his service contract.

(6) The Director General shall follow and comply with such directions of the Council as may be given to him in writing in the public interest.

(7) Subject to the approval of the Council, the Director General, may delegate any of his powers or functions to a Director or to an Officer of the Rescue 1122.

11. Directors, Deputy Directors and Assistant Directors.—(1) There shall be Directors, Deputy Directors and Assistant Directors of the Rescue 1122, who shall be appointed in such a manner as may be prescribed by regulations.

(2) A Director, Deputy Director and Assistant Director shall perform such functions as may be prescribed by regulations.

12. Officers, employees etc.—(1) To carry out the aims and objectives of the Rescue 1122, the Council may from time to time appoint consultants, experts, advisors and other officers and employees.

(2) All employees of the Rescue 1122 shall be liable to be assigned any emergency duty in accordance with the need of the time.

(3) The number and nature of the posts in the Rescue 1122, necessary criteria and the manner of appointment thereto shall be prescribed by regulations and the employees appointed to these posts shall receive such remuneration, allowances and privileges and shall be subject to such terms and conditions of service as may be prescribed by regulations.

(4) In the performance of their duties and functions, the employees of the Rescue 1122 and the volunteers shall abide by the directions and instructions of the Director General.

13. District Emergency Officer and Emergency Officer.—(1) There shall be a District Emergency Officer and such other Emergency Officers appointed by the Council to perform the field operations of the Rescue 1122.

(2) The District Emergency Officer shall be the head of the Rescue 1122 in the district and shall be assisted by all Emergency Officers and Rescuers in the district.

(3) No person, shall be appointed as an District Emergency Officer unless, he-

- (a) is a medical graduate preferably a post-graduate or having Master's Degree in Disaster Management or Emergency Management or public health;
 - (b) has at least five years working in relevant field preferably in emergency management; and
 - (c) is physical and mentally fit to perform field operators.
- (4) No person, shall be appointed as an Emergency Officer unless he-
- (a) is a medical graduate or post-graduate in a related science subject or has a professional related subject;
 - (b) has at least two years working in emergency management; and
 - (c) is physically and mentally fit to perform field operations.

14. Rescuer.--(1) There shall be Rescuers appointed by the Council on such terms and conditions as may be prescribed, to perform the field operations of the Rescue 1122.

- (2) No person, shall be appointed as a Rescuer who-
- (a) is more than forty five years of age; and
 - (b) has not cleared the educational and fitness criteria specified by the Rescue 1122.

(3) A Rescuer shall perform such field duties and functions as are assigned to him by the Council.

(4) A Rescuer shall be liable to be retired on attaining the age of fifty years, if he cannot be adjusted on any other post in the Rescue 1122.

(5) Where a Rescuer is retired under sub-section (4), he shall be entitled to such benefits as may be prescribed by the Council.

15. Emergency Service Academy.--(1) As soon as after the commencement of this Act, Government shall establish an Academy to be known as the Khyber Pakhtunkhwa Emergency Service Academy for the purposes of running short or long courses with local or international collaboration and award certificates to successful persons.

(2) The Emergency Service Academy may also arrange for the training of the members of the Rescue 1122, volunteers and other individuals or workers of organization, public or private, to be equipped with the knowledge of dealing with all possible situations relating to prevention and management of emergencies.

16. Fund.--(1) There shall be established a Fund to be known as the Emergency Rescue Service Fund which shall consist of-

- (a) grant-in-aid provided by the Federal Government and Government for the establishment, maintenance and performance of the Rescue 1122; and

- (b) the donations or contributions received or generated from private persons or public, local, foreign or international organizations.
- (2) The Fund shall be maintained in a scheduled bank and shall be operated in accordance with directions of the Council.
- (3) The Fund shall be regularly monitored by the Council and audited in the same manner as in the case of the funds of other Government Departments.
- (4) The annual audit report of the Fund shall be made available to the general public and submitted to the Provincial Assembly.
- (5) No person from the Rescue 1122 shall organize, conduct or take part in any proceedings for collecting or soliciting money or property from the public except the person authorized by the Council and in accordance with such conditions as may be laid down by the Council.

17. Act-in-aid of the Rescue 1122.---(1) Every member of the police force of the Province and all members of other organizations shall act-in-aid of the Rescue 1122.

(2) The police acting-in-aid of the Rescue 1122 shall, control and divert the traffic in or around an emergency area to facilitate and ensure free movement of emergency rescue vehicles and the persons dealing with an emergency and to prevent within the emergency area any theft, dacoity or loss of the property of the persons involved in the emergency.

(3) It shall be obligatory upon all telecommunication operators, companies, corporations or other authorities concerned to provide free of cost access to its subscribers to avail the universal emergency dial-in-number as notified by the Rescue 1122, without any prefix or suffix for the whole of the Province.

18. Powers to manage emergencies.---(1) An Emergency Officer or a Rescuer, in providing emergency services, may take any reasonable measures to protect-

- (a) persons from any danger or potential danger associated with an emergency situation;
- (b) persons trapped in a vehicle, receptacle, vessel or otherwise endangered; and
- (c) themselves or other persons or vehicles from danger, potential danger, assault or battery from other person.

(2) Without limiting the measures that may be taken for a purpose specified in clause (a) or clause (b) of sub-section (1), an Emergency Officer or a Rescuer may, for that purpose-

- (a) enter any premises, vehicle or vessel;
- (b) open any receptacle, using such force as is reasonably necessary;
- (c) bring any apparatus or equipment into a premises;
- (d) remove from or otherwise deal with, any article or material in the area;

- (e) remove (wholly or partially) or damage any premises, vehicle, vessel or receptacle;
- (f) cause the gas or electricity supply or motor or any other source of energy to any premises, vehicle, vessel or receptacle to be shut off or disconnected;
- (g) request any person or organization to take all reasonable measures to assist the Rescue 1122; and
- (h) administer such life safety procedures as are consistent with the training and competency of the Emergency Officer or Rescuer.

(3) Without limiting the measures that may be taken for a purpose specified in clause (c) of sub-section (1), a Rescuer or an officer authorized by the Council may, for that purpose, require any person not to enter into or remain within the emergency area and may use any appropriate public place for emergency warning and refuge centre or for purposes of community awareness.

(4) No person shall refuse to comply with the directions of the Rescuer or the person specified in sub-section (2), and if a person or organization does not comply with such directions, the Rescuer or the aforesaid officer may use such force as is reasonably necessary to ensure compliance.

19. **Obstruction or hindrance.**---No person shall willfully obstruct or hinder the Director General, Director, Deputy Director, District Emergency Officer, Emergency Officer, Rescuer, or any other person acting with his authority, in the exercise of a function under this Act.

20. **Immunity against certain liabilities.**---(1) An act or omission committed by an employee of the Rescue 1122, or a volunteer, shall not, if committed in good faith for the purpose of exercising the functions of or assisting the Rescue 1122, subject such employee or volunteer personally to any legal action, liability, claim or demand.

(2) All actions, proceedings and claims against any such employee or a volunteer in relation to any act done or omitted to be done in good faith, shall be defended and indemnified by the Rescue 1122.

(3) Subject to the rules, any information received by the Rescue 1122 shall be deemed to be the privileged communication between the informer and the Rescue 1122:

Provided that the Director General may, in a special case and by order in writing, waive such privilege.

21. **Life insurance.**---All employees of the Rescue 1122 shall contribute to the salary saving life insurance scheme and compensation in case of injury or death in the line of duty shall be provided by the Rescue 1122 to such extent as may be prescribed by the Council.

22. **Public servants.**---All employees of the Rescue 1122 shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

23. **Regularization of certain employees.**---(1) Notwithstanding anything contained in any law or rules, all employees of the erstwhile development project titled "Emergency Rescue Service (Rescue 1122)", who are holding various posts with all its perks and privileges in the said project till the commencement of this Act, shall be deemed to have been validly appointed to those posts on regular basis on the commencement of this Act, having the same qualification and experience for the said posts.

(2) The seniority of the employees of the said project shall be determined in the prescribed manner.

24. **Emergency ambulance and rescue vehicles.**---(1) No person shall use any vehicle as an emergency ambulance or rescue vehicle, unless it satisfies such requirements as are laid down by the Rescue 1122.

(2) Where a vehicle does not fulfill the requirements laid down by the Rescue 1122, but is used as a patient transport vehicle, it shall not use any siren or a warning light other than a round yellow warning light.

(3) No person, other than that belonging to a law enforcing agency, shall use red, blue or orange light or any siren on his vehicle except where the vehicle satisfies the requirements prescribed for an emergency ambulance or vehicle.

(4) No person shall-

(a) use the words "Rescue" or "Rescue 1122" or any other similar name, title or description without the written authority of the Director General;

(b) falsely represent that he is associated with the Rescue 1122 unless such an association exists;

(c) impersonate as an officer of the Rescue 1122; or

(d) use any insignia of the Rescue 1122 in any manner contrary to that approved by the Director General.

25. **Right of way to emergency rescue vehicles and ambulances.**---A driver of a vehicle or a member of the public or traffic police, to the extent practicable, shall make all possible efforts to give clear and uninterrupted passage to-

(a) an emergency rescue vehicle or an ambulance with activated warning devices, siren or warning lights and duly registered with the Rescue 1122; and

(b) an emergency officer or a rescuer or any person acting under their direction, who appears to be doing any act for the purposes of this Act.

26. **False or obnoxious calls.**---No person shall make a false or an obnoxious call on the emergency dial-in-number or in any other manner try to falsely represent that emergency circumstance exists requiring utilization of any resources of the Rescue 1122.

27. **Offences and punishments.**---(1) Any person who willfully or without any reasonable excuse, disobeys or violates any provision of this Act, shall be deemed to have committed a bailable offence punishable with simple imprisonment for six months or with fine not exceeding rupees fifty thousand or with both.

(2) No prosecution under this Act shall be lodged without the previous sanction of the Director General which shall not be given except after serving a notice on the person concerned and giving him reasonable opportunity of hearing.

- (3) No Court inferior to that of a Magistrate of the First Class shall try an offence under this Act.
28. Power to make rules.--Government may make rules for carrying out the purposes of this Act.
29. Power to make regulations.--Subject to the provisions of this Act and the rules, the Council may make regulations, as may be necessary for carrying out the purposes of this Act.
30. Procurement in case of Acquisition of Emergency related goods and services.--The Council may make regulations for procurement of oversight the public procurement framework in case of acquisition of emergency related goods and services.
31. Act not in derogation of other laws.--This Act is not in derogation of any other law applicable in the Province and does not absolve any other person from his responsibility to take necessary measures to protect and save the lives and properties of a person in an emergency.
32. Repeal.-- The Khyber Pakhtunkhwa Emergency Rescue Service Ordinance, 2012 (Khyber Pakhtunkhwa Ordinance No. IV of 2012) is hereby repealed.

BY ORDER OF MR. SPEAKER

PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary

Provincial Assembly of Khyber Pakhtunkhwa