

Punjab Emergency Service Act, 2006

4 of 2006

[19 June 2006]

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An Act for the establishment of the Punjab Emergency Service to deal with emergencies. Preamble.- Whereas it is expedient to establish an emergency 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 emergencies; It is hereby enacted as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Punjab Emergency Service Act 2006.
- (2) It extends to the whole of the Province of the Punjab.
- (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 8;
- (b) "Council" means the Punjab Emergency Council established under section 6;
- (c) "Director" means the person appointed under section 10;
- (d) "Director General" means the person appointed under section 9;
- (e) "district" means a district as defined in the Punjab Local Government Ordinance 2001 (XIII of 2001);
- (f) "district emergency officer" means the emergency officer incharge of the Service in a district;
- (g) "emergency" means a serious and potentially dangerous situation requiring immediate action such as an accident, hazardous material incident, fire, explosion, natural or manmade disaster;
- (h) "emergency area" means the area affected by an emergency;
- (i) "emergency officer" means an officer appointed under section 12;
- (j) "Government" means the Government of the Punjab;
- (k) "non-governmental organization" includes any private agency or body working voluntarily for the welfare of the persons affected by an emergency;
- (l) "premises" includes land, place, building, vehicle, vessel or aircraft or any part of premises;
- (m) "rescuer" means a member of the service appointed under section 13;
- (n) "rescue station" means a place where an office of the Service is established;
- (o) "Service" means the Punjab Emergency Service or the Rescue

established under section 4; and

(p) "volunteer" means a person who is registered as such by the Service or engaged by a rescuer in emergency area to assist the Service in the exercise of its functions under this Act.

3. 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.

4. Establishment Of The Service :-

(1) There shall be established a Service to be called the Punjab Emergency Service or the Rescue to perform such functions as are assigned to it under this Act.

(2) The Service 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.

5. Powers And Functions Of The Service :-

(1) The powers and functions of the Service 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 the Pakistan Telecommunication Authority to be used throughout Punjab;

(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 Service 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 Service according to international standards;

(j) collect, compile, maintain and analyse 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;

(o) coordinate and maintain an effective liaison with all other organizations managing emergencies;

(p) perform such other functions as may be assigned to it by the Council to achieve the purposes of this Act; and

(q) perform functions that are ancillary or incidental to any of the above functions.

(2) The Service shall have the authority to accept donations in the shape of land, vehicles, equipment and other such items which may facilitate the functioning of the Service and all such donations shall be used, maintained and disposed of by the Service in the manner prescribed in the rules or regulations.

(3) The Service may, with the approval of the Council, establish such local or district offices as may be considered necessary for effective and efficient working of the Service.

6. Punjab Emergency Council :-

(1) There shall be constituted a Council to be known as the Punjab

Emergency Council comprising of the following:

- (a) Chief Minister of the Punjab; (Chairman)
 - (b) Chief Secretary, Punjab; (Member)
 - (c) four Members of the Provincial Assembly which shall include one female and one opposition member to be nominated by the Speaker; (Members)
 - (d) Secretary, Health Department; (Member)
 - (e) Secretary, Home Department; (Member)
 - (f) Secretary, Local Government Department; (Member)
 - (g) Secretary, Transport Department; (Member)
 - (h) Provincial Police Officer; (Member)
 - (i) Director General, Provincial Environmental Protection Agency; (Member)
 - (j) Provincial Commissioner Relief, Punjab; (Member)
 - (k) Director General of the Service; and (Member)
 - (l) two representatives, one each from the Government teaching hospitals and non-governmental organizations, to be nominated by the Government, for a period of three years. (Members)
- (2) The quorum for the meetings of the Council shall be seven.
- (3) The Director General shall be the ex-officio secretary of the Council.
- (4) The Council shall meet at least once in three months.
- (5) The Council may co-opt or invite any person depending on the requirement of its meeting.

7. Functions Of The Council :-

- (1) The functions of the Council shall be to-
- (a) lay down the policy and issue directions for efficient, effective and expeditious actions in dealing with emergencies;
 - (b) oversee the working of the Service and the training institutions established or controlled by the Service;
 - (c) issue regulations to prescribe the minimum standards for the officers and staff to maintain efficiency and effectiveness of the Service;
 - (d) review and analyze statistics relating to all emergency incidents, accidents and disasters and the actions which have been taken by the Service;
 - (e) approve the annual budget of the Service;
 - (f) make recommendations to the Government for the prevention

and mitigation of hazards endangering public safety; and
(g) determine the number of rescue stations in different areas and the staff and equipment to be provided to the Service for achieving the objectives of adequate standards of emergency care.
(2) The Council may delegate any of its functions to any body or authority of the Service.

8. District Emergency Board :-

(1) The Council may 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.

9. Director General :-

(1) The Government shall appoint a Director General who shall be the chief executive officer of the Service and shall exercise such powers and perform such functions as may be specified 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 but the Council may extend his tenure 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 paid such salary, allowances and other benefits and shall be subject to such terms and conditions as are laid down in his service contract.
(5) The Director General shall be responsible for the day to day administration of the affairs of the Service and he may, subject to the regulations, appoint, post and transfer any of the employees working under him in the Service.
(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 directions of the Council, the Director General may delegate any of his powers or functions to a Director or to an officer of the Service.

10. Director :-

(1) There shall be not more than six Directors of the Service as may be appointed by the Government.

(2) A person to be appointed as a Director shall at least hold a masters or postgraduate degree in the subject related to the nature of his duties in the Service and is a person who has adequate expertise and experience in any relevant field including emergency management, law and finance.

(3) The Directors shall be paid such salary, allowances and other benefits and shall be subject to such terms and conditions of Service as are laid down by the Council.

11. Appointment Of Officers, Servants, Etc :-

(1) The Service may, from time to time, employ such officers or servants or appoint such experts or consultants, as it may consider necessary for the performance of its functions.

(2) All members of the Service 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 Service, necessary criteria and the manner of appointment thereto shall be determined by the Council 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 are laid down by the Council.

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

12. Emergency Officer :-

(1) There shall be emergency officers appointed by the Service to perform the field operations of the Service.

(2) No person shall be appointed as an emergency officer unless he is-

(a) a medical graduate or post-graduate in a related science subject or has a professional degree in a related subject; and

(b) physically and mentally fit to perform field operations.

(3) One of the emergency officers in the district shall be selected for appointment as district emergency officer on the basis of his performance and seniority as emergency officer.

(4) The district emergency officer shall be the head of the Service in the district and shall be assisted by all emergency officers and rescuers in the district.

13. Rescuer :-

(1) There shall be rescuers appointed by the Service to perform the field operations of the Service.

(2) No person shall be appointed as a rescuer who-

(i) is more than thirty years of age; and

(ii) has not cleared the educational and fitness criteria specified by the Service.

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

(4) A rescuer shall be liable to be retired on attaining the age of forty five years if he cannot be adjusted on any other post in the Service.

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

14. Emergency Service Academy :-

(1) The Service shall establish an Emergency Service Academy for the purposes of running short or long courses with local or international collaboration and award certificates to successful person.

(2) The Academy may also arrange for the training of the members of the Service, 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.

15. Emergency Service Fund :-

(1) The Service shall have a Fund comprising of-

(a) the grant provided by the Federal and Provincial Governments for the establishment, maintenance and performance of the Service; 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 the rules or directions of the Council.

(3) The Fund shall be regularly monitored by the Council and audited in the same manner as is done 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 of the Punjab.

(5) No person from the Service 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.

16. Act In Aid Of The Service :-

(1) Every member of the police force in the Punjab and all members of other organizations shall act in aid of the Service.

(2) The police acting in aid of the Service 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 Service, without any prefix or suffix for the whole of the Punjab.

17. Powers To Manage Emergencies :-

(1) An emergency officer or a rescuer, in providing emergency services, may take any reasonable measures to-

(a) protect persons from any danger or potential danger associated with an emergency situation;

(b) protect persons trapped in a vehicle, receptacle, vessel or otherwise endangered; and

(c) protect 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 (b) of subsection (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 onto 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 Service; 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 subsection (1), a rescuer or an officer authorized by the Service 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 subsection (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.

18. Obstruction Or Hindrance :-

No person shall wilfully obstruct or hinder the Director General, Director, emergency officer, the rescuer, or any other person acting with his authority, in the exercise of a function under this Act.

19. Immunity Against Certain Liabilities :-

(1) An act or omission committed by an employee of the Service, or a volunteer, shall not, if committed in good faith for the purpose of exercising the functions of or assisting the Service, 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 Service.

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

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

20. Life Insurance :-

All members of the Service 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 Service to such extent as may be prescribed by the Council.

21. Public Servants :-

All members of the Service shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

22. 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 Service.

(2) Where a vehicle does not fulfill the requirements laid down by the Service, 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 service" 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 Service unless such an association exists;

(c) impersonate as an officer of the Service; or

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

23. Right Of Way To Emergency Rescue Vehicles And

Ambulances :-

(1) 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 Service; 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.

24. 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 represent that emergency circumstance exists requiring utilization of any resources of the Service.

25. Offences And Punishments :-

(1) Any person who wilfully 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.

26. Rules :-

The Government may frame rules to carry out the purposes of this Act.

27. Regulations :-

The Council may make regulations, not inconsistent with this Act or the rules for or with respect to any matter that by this Act is required or permitted to be prescribed, specified or determined by the Council for carrying out the purposes or giving effect to the

provisions of this Act.