

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”
Dated: 09-03-2017

No. LD/Legis-Act/52-62/2017. The following Act of Assembly received the assent of the President on the 07th day of March 2017, is hereby published for general information.

[Act I of 2017]

An

Act

to provide for the establishment of the Azad Jammu and Kashmir Emergency Service Rescue 1122 and to deal with emergencies.

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 concerned organizations to avoid emergencies;

It is hereby, enacted as follows:-

1. **Short title, Extent and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Emergency Service Rescue 1122 Act, 2017.
 - (2) It shall extend to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Definitions.**- In this Act, unless there is anything repugnant to the subject or context,-
 - a) “Assistant Director/District Emergency Officer” means the Officer in charge of a District;
 - b) “Board” means the District Emergency Board constituted under Section 9;
 - c) “Commission” means the Azad Jammu and Kashmir Emergency Services Commission established under Section 5;
 - d) “Director” means the person appointed under Section 11;
 - e) “Deputy Director(s)” means a person appointed under Section 11;
 - f) “District” means a district as defined in the Azad Jammu and Kashmir Local Government Act, 1990.
 - g) “Emergency” means a serious and potentially dangerous situation requiring immediate action such as an accident, hazardous material incident, fire, and explosion, natural or manmade disaster;
 - h) “Emergency area” means the area affected by an Emergency;
 - i) “Emergency Service” means the Azad Jammu and Kashmir Emergency Service Rescue 1122 established under Section 3;
 - j) “Field Staff” includes Assistant Director/District Emergency Officer, Emergency Officer/fire and rescue officer and Rescuers of Emergency Service and other staff as may be declared by the commission as Field Staff;
 - k) “Government” means the Azad Government of the State of Jammu and Kashmir;

- l) "NGO" means a Non-governmental organization and 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 the Rules or Regulations, as the case may be;
- o) "Rescuer" means a member of the Emergency service appointed under Section 12;
- p) "Rescue station" means a place where an office of the Emergency Service is established;
- q) "Volunteer" means a person who is registered as such by the Emergency Service or engaged by a Rescuer in Emergency area to assist the Emergency Service in the exercise of its functions under this Act.
- r) "State " means the Azad Jammu and Kashmir;
- s) "Rules" mean rules made under this Act;
- t) "Regulations" mean regulations made under this Act;

3. **Establishment of the Emergency Service.**- (1) As soon as after the commencement of this Act, Government shall establish an Emergency Service to be known as Azad Jammu and Kashmir Emergency Service Rescue 1122.

(2) The Emergency Service shall be a part of the Disaster Management Authority established under the Azad Jammu and Kashmir Disaster Management Act, 2008 (Act I of 2008).

(3) The main office of the Emergency Service shall be at Muzaffarabad and shall have its District offices at such other places in the State, as the Commission may deem it necessary.

(4) The Emergency Service 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 Emergency Service and all such donations shall be used, maintained and disposed off by the Emergency Service in the manner as may be Prescribed.

(5) The Emergency Service Rescue 1122, alongwith its posts, assets and liabilities, of the Civil Defence Department shall stand transferred to the Emergency Service after its establishment under this Act.

(6) All the employees of the Emergency Service shall be governed under the West Pakistan Essential Services (Maintenance) Act, 1958 (W.P. Act No. XXXIV of 1958), as adopted in Azad Jammu and Kashmir and the rules or regulations made under the said Act.

4. **Aims and Objectives of the Emergency Service.**- (1) The aims and objectives of the Emergency 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 other 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 to be used throughout the State.
- (e) play a lead role and coordinate with the working of other organizations, NGOs 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 Emergency Service in safely 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, NGOs and training institutions to maintain the Emergency 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 Commission 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 any Organization, NGO or educational institution 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. **The AJ&K Emergency Service Commission.**- (1) There shall be a Commission to be known as the Azad Jammu and Kashmir Emergency Service Commission.

(2) The Disaster Management Commission established under Azad Jammu and Kashmir Disaster Management Act, 2008 (Act I of 2008), shall, for the purposes of this Act, be the Azad Jammu and Kashmir Emergency Service Commission.

6. **Meeting of the Commission.**- (1) The meeting of the Commission shall be called by the Chairman on such date and at such place as may deem appropriate.

(2) The Commission may co-opt or invite any person depending on the requirement of its meeting.

7. **Powers and functions of the Commission.**- (1) Subject to the provisions of this Act, the Commission 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 Commission shall,-
- (a) lay down the policy and guidelines and issue directions for efficient, effective and expeditious actions in dealing with Emergencies;
 - (b) issue procedure to prescribe the minimum standards for the offices and staff to maintain efficiency and effectiveness of the Emergency Service;
 - (c) approve the annual management plan including the annual budget of the Emergency Service;
 - (d) make recommendations to Government for the administrative, legal and/or financial measures required to sustain the Emergency Service;
 - (e) approve measures with regard to the matters relating to the Government of Pakistan, provincial governments of Pakistan and the donors;
 - (f) review and analyze statistics relation to all Emergency incidents;
 - (g) issue special directions to the Board; and
 - (h) oversee the working of the Emergency Service and the training institutions.
- (3) The Commission may delegate any of its functions to anybody or authority of the Emergency Service.
8. **Delegation of powers.**- The Commission may, by general or special order, delegate to the Chairman or a member of the Commission 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 Commission may by notification published in the official Gazette, constitute a District Emergency Board for a District for the prevention and effective management of the Emergency in the District.
- (2) The Board shall have such powers and shall perform such functions as may be assigned to it by the Commission.
10. **Director General.**- The Director General Disaster Management Authority shall be the ex-officio Director General of the Emergency Service and shall exercise such powers and perform such functions, in such a manner, as may be assigned to him by Commission.
11. **Director, Deputy Director etc.**- (1) There shall be whole time Director and Deputy Director of the Emergency Service as may be appointed by the Government.
- (2) The Director and Deputy Director shall perform such functions, duties and shall be paid such salary, allowances and other benefits, and shall be subject to such terms and conditions of service as may be Prescribed.
12. **Other Officers and Employees, etc.**- (1) There shall be the Assistant Directors/District Emergency Officers, Fire & Rescue Officers/Emergency Officers and Rescuer of the Emergency Service, who shall be appointed by

the Commission on such terms and conditions and in such manner and they shall perform such functions and duties as may be Prescribed by the Rules.

(2) The cases of officers and staff already serving in the service shall be referred to the selection Board or Selection committee concerned as the case may be, for the purposes of their regularization in the service.

(3) To carry out the purposes of the Emergency Service, the Commission may from time to time appoint such consultant, experts, advisors, or such officers, servants and employees as it may consider necessary on such terms and conditions as may be Prescribed by the Regulations.

(4) All the appointments/employment made under this Section shall be liable to be assigned any Emergency duty in accordance with the need of the time.

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

13. Emergency Service Rescue Fund.- (1) The Emergency Service shall have a Fund comprising of:-

(a) The grant provided by the Government for the establishment, maintenance and performance of the Emergency Service; and

(b) The donations or contributions received or generated from private persons or public, local, foreign or international organizations for the Emergency Service.

(2) The Fund shall be maintained in a scheduled bank of the State or the Bank of Azad Jammu and Kashmir and shall be operated in a manner as may be Prescribed.

(3) The Fund shall be regularly monitored by the Commission and accounts of Fund shall be audited every year by the Auditor General of Azad Jammu and Kashmir.

(4) The annual audit report of the Fund shall be made available to the general public and shall be submitted to the Azad Jammu and Kashmir Legislative Assembly.

(5) No person from the Emergency Service shall organize, conduct or take part in any proceedings for collecting or soliciting money or property except the person authorized by the Commission and in accordance with such conditions as may be Prescribed.

14. Aid of the Service.- (1) Every member of the police force in the Azad Jammu and Kashmir and all members of other organizations shall act in aid of the Emergency Service.

(2) The police acting in aid of the Emergency Service shall control and divert the traffic in or around an Emergency area to facilitate and ensure the 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 Emergency Service, without any prefix or suffix for the whole of the State.

15. Powers to manage Emergencies.- (1) A Fire & Rescue Officer/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 by other person.

(2) Without limiting the measures that may be taken for a purpose specified in clause (a) or (b) of sub-section

(1), a Fire & Rescue Officer/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 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 Fire & Rescue Officer/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 Emergency 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 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.

16. Obstruction or hindrance.- No person shall willfully obstruct or hinder the Director, Deputy Director, Assistant Director/District Emergency officer, Fire & Rescue Officer/Emergency Officer, the Rescuer, or any other person acting with his authority, in the exercise of a function under this Act.

17. Immunity against certain liabilities.- (1) An act or omission committed by an employee of the Emergency Service, or a Volunteer, shall not, if committed in good faith for the purpose of exercising the functions of or assisting the Emergency Service, subject such employee or Volunteer personally liable 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 committed to be done in good faith, shall be defended and indemnified by the Commission.

(3) Subject to the provision of this Act, any information received by the Emergency Service shall be deemed to be the privileged communication between the informer and the Emergency Service:

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

18. **Life insurance.**- Filed Staff of the Emergency 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 Emergency Service to such extent as may be Prescribed.
19. **Public servants.**- All employees of the Emergency Service shall be deemed to be public servants within the meaning of section 21 of the Azad Penal Code, 1860 (Act No. XLV of 1860).
20. **Emergency Ambulance, Fire and Rescue vehicles.**- (1) No person shall use any vehicle as an emergency ambulance rescue vehicle unless it satisfies, such requirements as are laid down by the Emergency Service have been complied with.
- (2) Where a vehicle does not fulfill the requirements as laid down by the Emergency 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 enforcement agency and Emergency Service 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 Emergency Service unless such an association really exists;
 - (c) impersonate as an officer of the Emergency Service; or
 - (d) use any insignia of the Emergency Service in any manner contrary to what has been approved by the Director General.
21. **Right of way to Emergency rescue vehicles and ambulances.**- (1) A driver of a vehicle or a member of the public or traffic police force, to the extent as may be practicable, shall make all possible efforts to give clear and uninterrupted passage to,-
- (a) emergency rescue vehicle or ambulance with activated warning devices, siren or warning lights and duly registered with the Emergency Service; and
 - (b) Filed Staff or any person acting under their direction, who appears to be doing any act for the purposes of this Act.
22. **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 circumstances exist requiring utilization of any resource of the Emergency Service.
23. **Offences and punishments.**- (1) Any person who willfully or without any reasonable excuse, 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 ten 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.

24. **Act not in derogation of other laws.**- This Act is not in derogation of any other law applicable in the State 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 the state of an Emergency.
25. **Power to make Rules.**- The Government may frame Rules to carry out the purposes of this Act.
26. **Power to make Regulations.**- The Commission may make Regulations, not inconsistent with this Act or the Rules made thereunder for or with respect to any matter which by this Act is required or permitted to be prescribed, specified or determined by the Commission for carrying out the purposes or giving effect to the provisions of this Act.

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(Mehr-un-Nisa Qadri)
Section Officer (Legislation)