

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

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BILL

to provide for protection to Emergency Madadgar from civil and criminal liabilities by establishing supportive legal environment; constitution of Emergency Madadgar Authority; obligations of hospitals and clinics and for matters connected therewith or incidental thereto;

It is enacted as follows:—

1. **Short title, extent and commencement.** (1) This Act may be called the Emergency Madadgar (Protection from Civil and Criminal Liabilities) Bill, 2019.
  - (2) It extends to the whole of Pakistan.
  - (3) It shall come into force at once.
2. **Definitions:** In this Act, unless the context otherwise requires,—
  - (a) "accident" includes earth quick, flood, drought, terrorist attack, war, road, railways or air accident;
  - (b) "appropriate Government" means in the case of a Province, the Government of that Province and in all other cases, the Federal Government;
  - (c) Authority means the Emergency Madadgar Authority' constituted under section 3;
  - (d) "bystander" means a person who is witness to an accident i.e. earth quick, flood, drought, terrorist attack, war, or incident of crime;
  - (e) "emergency response" means reasonable necessary reaction to an accident or incident of crime and includes taking the victim to a hospital in order to save his life or calling in an ambulance or police;
  - (f) "Fund" means the Emergency Madadgar Fund constituted under section 11;
  - (g) "Emergency Madadgar" includes a bystander who helps a victim by taking reasonable necessary action to save his life or property;
  - (h) "incident of crime" includes sexual assault, robbery, theft, murder, attempt to murder, kidnapping, attempt to kidnapping and road rage during or after the accident or incident; and
  - (i) "victim" means a victim of an accident or crime.
3. **Constitution of the Emergency Madadgar Authority.**— (1) The Federal Government shall, within a period of six months from the coming into force of this Act, constitute an Authority to be known as the Emergency Madadgar Authority.

(2) The Chairperson of the Authority shall be nominated by the Federal Government in such manner, as may be prescribed, from amongst persons of eminence having adequate knowledge of and experience in management, administration, public affair, health services, social work or law.

(3) The Authority shall have one representative from each Province and the Islamabad Capital Territory (ICT) as member, who shall be appointed by the Federal Government in consultation with the concerned Provincial Government or the Islamabad Capital Territory (ICT) Administration, as the case may be.

(4) The Chairperson and the members of the Authority shall hold office for a period of three years from the date of their appointment.

(5) The Authority shall have such number of officers and staff, as may be necessary, for efficient discharge of its functions.

(6) The salaries, allowances and other terms of conditions of the officers and staff of the Authority shall be such as may be prescribed.

**4. Functions of the Authority.**— The functions of the Authority shall be:

- (a) to receive complaints of harassment or violation of rights of Emergency Madadgar under this Act and institute legal proceedings against persons involved in such harassment or violation of rights;
- (b) to process and pay claims of hospitals regarding payment of hospital charges for providing treatment to a victim;
- (c) to take up mass media campaigns to encourage and sensitize the public in becoming Emergency Madadgar; and
- (d) to inform the general public about the provisions of this Act and in particular the rights of Emergency Madadgar in such manner, as it may deem appropriate.

**5. Exemption from Civil or Criminal Liability to Emergency Madadgar and their Rights.**— (1) An Emergency Madadgar shall not be liable to any civil or criminal liability in respect of anything done or cause to have been done to save the life or property of a victim.

(2) Without prejudice to the generality of the foregoing provision, a Emergency Madadgar, in respect of an accidents or crime in which he helps in saving life or property of a victim, shall have the following rights, namely:—

- (a) he shall not be required or compelled to file a First Information Report unless he decides otherwise;
- (b) he shall not be required or compelled to pay any charges for treatment including future treatment to the hospital or clinic in which the victim is brought by him for treatment;

- (c) he shall not be detained by the hospital or police official for any reason including, but not limited to,—
  - (i) finding or confirming the identity of the victim;
  - (ii) questioning unless he decides to stay and respond; and
  - (iii) standing as witness or providing evidence to the police or any other person;
- (d) he shall not be forced to reveal his identity; and
- (e) he shall not be subject to any force or harassment by any person investigating into or otherwise related to the accident or incident of crime.

(3) Where an Emergency Madadgar assist in the investigation of an accident or incident of crime,-

- (a) the police shall act with sensitivity towards him and complete the recording of his statement and all other proceedings relating to him in a timely manner;
- (b) he shall not be called repeatedly;
- (c) his statement as a witness in a court of law may be recorded through a video link in a single hearing.

**6. Educational Institutions to impart training in first-aid and emergency response to students.-** (1) It shall be the duty of every educational institution to impart training in first-aid and emergency response to every student, above the age of thirteen years for such duration, as may be prescribed.

(2) The training under sub-section (1) shall be imparted once in every academic year.

(3) For the purpose of imparting training under sub-section (1) the educational institutions shall take the assistance of such professionals or institutions, as the appropriate Government may, by notification in the Official Gazette, specify.

**7. Appropriate Government to impart training in first-aid and emergency response to its employees.-** It shall be the duty of the appropriate Government to impart training in first-aid and emergency response to all their employees once a year.

(2) For the purpose of imparting training under sub-section (1), the appropriate Government shall take the assistance of such professionals or institutions, as it may, by notification in the Official Gazette, specify.

**8. Appropriate Government to organize awareness programmes and workshops.-** The appropriate Government shall, from time to time, organize and conduct programmes, workshops and seminars to—

- (a) sensitise the citizens in becoming Emergency Madadgar;

- (b) make the citizens aware of emergency response numbers of ambulance service and police assistance; and
- (c) train the citizens in the art of first-aid and emergency response.

**9. Duty of every hospital and clinic to provide emergency treatment.-** (1) No hospital or clinic shall deny emergency treatment to any victim:

Provided that if the hospital, or clinic is not equipped to deal with the emergency treatment, it shall assist in directing the victim to the nearest hospital or clinic where such emergency treatment facility is available.

(2) No hospital or clinic shall demand any payment for providing emergency treatment to any victim or deny such treatment if the family members of the victim are unable to make the payment.

(3) For reimbursement of charges incurred during emergency treatment of any victim, the hospital or clinic concerned shall apply to the Authority within such period and in such form and manner, as may be prescribed.

(4) It shall be the duty of hospital or clinic to inform the police as soon as a victim is brought to the hospital or clinic by an Emergency Madadgar.

**10. Constitution of Emergency Madadgar Fund.-** (1) The Federal Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Emergency Madadgar Fund.

(2) The Federal Government shall, after due appropriation made by Parliament by law in this behalf, credit such sums to the Fund, as may be necessary, for carrying out the purposes of this Act.

**11. Penalty for denial of treatment to victims by hospitals or Clinics.-** (1) Where any physical or mental damage to, or death of, a victim occurs due to denying emergency treatment to him by a hospital or clinic, the licence of such hospital or clinic shall be cancelled and such hospital or clinic shall also be liable to a fine which shall not be less than ten lakh rupees:

(2) Notwithstanding anything in sub-section (1), no hospital or doctor shall be liable to any, civil or criminal liability for any physical damage to, or death of, a victim due to complications during the emergency medical treatment:

Provided that nothing in this sub-section shall apply to a case of gross medical negligence by a medical practitioner.

The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

**12. Removal of difficulties.-** (1) If any difficulty arises in giving effect to the provision of this Act, the Federal Government may, by notification in the official Gazette, make such

provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be laid before each House of Parliament.

**13. Power to make Rules.-** (1) The Federal Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as, before each House of Parliament, while it is in session, if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the rule shall thereafter have effect only in such form or, as the case may be; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### **STATEMENT OF OBJECTS AND REASONS**

In Pakistan, (15) fifteen people die every hour in road accidents. The number of deaths due to road traffic accidents in the last decade is close to one million. In medical care terminology, the term Golden Hour also known as golden time refers to a time period lasting for one hour following an accident or traumatic injury being sustained by a person, during which there is highest likelihood that prompt medical care will prevent death. Yet, a large percentage of people seem unwilling to help injured persons in the road accidents or to victims of violent crimes including rape. The reason for citizens' inaction ranges from fear of harassment by police, payment of cost of medical treatment in hospitals, etc.

There is an immediate need for framing a policy providing for immediate help to victims of road accidents, crimes and to motivate the by standers to come forward to help the victims of road accidents, violent crimes, etc. by taking them to nearest hospitals for medical treatment. Hence, this Bill.

Sd/-

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