

[¹AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to constitute the Pakistan Red Crescent Society

WHEREAS it is expedient to provide a proper mechanism for accountable administration of the various monies and gifts received from the public for the purposes of medical aid to the sick and wounded persons and more especially for the administration of the properties allotted to Pakistan on partition in 1947;

WHEREAS Pakistan is prone to natural disasters, therefore, it is necessary to define the role of the Pakistan Red Crescent Society as a voluntary relief organization to offer humanitarian aid during natural disasters, wars, and conflicts besides improving the resilience capacities of most vulnerable people of society;

AND WHEREAS it is expedient to restructure the Pakistan Red Crescent Society the affiliation with other societies and bodies having similar objects and of the Provincial Branches of the Red Cross Society falling in Pakistan;

It is hereby enacted as follows:-

1. Short title, extent and commencement.— This Act shall be called the Pakistan Red Crescent Society Bill, 2023.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(i) “Armed Conflicts” means any war preceded by a statement from a country or an inter-State dispute accompanied with deployment of the State’s armed forces;

(ii) "Branch committee" means a committee constituted by each Province under this Act;

(iii) "Chairman" means Chairman of Pakistan Red Crescent Society;

(iv) "Division concerned" means the Division to which the business of this Act stands allocated;

(v) "Emergency" means a serious and potentially dangerous situation requiring immediate action, e.g. an accident, hazardous material incident, fire, explosion, earthquake, flood or any other natural or manmade disaster;

(vi) "Government" means the Federal Government;

(vii) "Managing Body" means Managing Body of Pakistan Red Crescent Society constituted under this Act;

(viii) "Prescribed" means the prescribed by rules or regulations, as the case may be;

(ix) "Red Crescent Corps" or "RCC" means Corps established under this Act;

(x) "Regulations" means the regulations made under this Act;

(xi) "Rules" means the rules made under this Act;

(xii) "Schedule" means the Schedule made under this Act;

(xiii) "Secretary General" means Secretary General of Pakistan Red Crescent Society;

(xiv) "Society" means the Pakistan Red Crescent Society established under this Act;

(xv) "training" means any training approved by the Chairman at a national and international level related to Society Affairs; and

(xvi) "Volunteer" means a person registered as a volunteer by the Society or engaged by a rescuer in an emergency for assistance for any action under the Act."

3. Establishment of Pakistan Red Crescent Society.— (1) There shall be a Society to be known as the Pakistan Red Crescent Society.

(2) The Society shall in all its activities observe neutrality, impartiality, independence, universality, humanity, and all other basic principles and shall adhere to the statutes of the International Red Cross and Red Crescent Movement and the Geneva Conventions.

(3) The Society shall, as an auxiliary to the public authorities maintain autonomy and act at all times in accordance with the fundamental principles of the International Red Cross and Red Crescent Movement.

4. President of the Society.— The President of Pakistan shall be the President of the Society.

5. Composition of Managing Body.— (1) Subject to the control of the General Body, the administration and management of the affairs and business of the Society shall vest in the Managing Body which may exercise all powers and do all acts which may be exercised or done by the Society.

(2) The Managing Body shall consist of—

- (a) The Chairman;
- (b) All Chairpersons of provincial and regional branches;
- (c) The Vice-Chairman;
- (d) Secretary General;
- (e) The Treasurer of the Society;
- (f) Six other members to be approved by the President on the recommendations of the Chairman;
- (g) Secretary Ministry of Finance and Revenue;
- (h) Secretary, Ministry of Health, Regulations and Coordination;

(i) Secretary, Ministry of Information Broadcasting and National Heritage;
and

(j) Secretary, President of Pakistan.

(3) The term of the Managing Body shall be for three years.

(4) The Managing Body, shall meet as often as may be necessary, but not less than once in every quarter of a year.

(5) A casual vacancy in the office of Vice-Chairman or Treasurer or member of the Managing Body shall be filled by election or nomination, as the case may be, in accordance with the provisions of this Act and rules made thereunder, and a person so elected or nominated shall hold office for the residue of the term of the Managing Body.

(6) If, for any reason, the general election to the elective offices of the Managing Body cannot be held before the expiry of its term, the President, in the case of the Managing Body, shall appoint an ad hoc Managing Body, to exercise the powers and perform the functions of such Body for a period of three months.

(7) An ad hoc Managing Body shall consist of such office-bearers and other members as are specified in sub-section (2), as the case may be.

(8) An ad hoc Managing Body shall continue to function till the general election or nomination to the elective offices of the Managing Body, held and such general elections shall be held within three months from the date of appointment of the ad hoc Body.

(9) Notwithstanding anything contained in sub-section (3), the term of the Managing Body constituted after the general election or nomination mentioned in section (8) shall be counted from the first day of January of the year in which such election is held.

(10) If the President, the Managing Body, is of opinion that the Managing Body is not discharging its functions properly or is acting in a manner prejudicial to the interest of the society, he may, by order in writing, declare the Managing Body, to be superseded for such period as may be specified in the Act.

(11) On the making of an order under clause (10),-

(a) All persons holding any office in the Managing Body shall cease to hold such office; and

(b) All powers and functions of the Managing Body, shall during the period of supersession, be exercised and performed by an ad hoc Managing Body, appointed in such manner as is specified in this section.

(12) On the expiry of the period of supersession, the Managing Body, shall be reconstituted in accordance with the provisions of this Act and the rules made thereunder.

(13) Notwithstanding anything contained in sub-section (3), the term of the Managing Body, reconstituted under sub-section (12), shall be counted from the first day of January of the year in which the general election to the elective offices of the reconstituted Managing Body, is held.

(14) Notwithstanding anything contained in sub-section (3) and (6), no election to fill a casual vacancy in Managing Body shall be held, if the residue of the term of such Body is less than one year.

(15) No act or proceeding of a Managing Body shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the Managing Body.

6. Appointment of the Chairman.- (1) The President shall appoint the Chairman of the Society for a term of five years.

(2) The Chairman shall be competent to appoint not for more than two consecutive terms.

(3) The status of the Chairman shall be as Minister of State and shall be eligible to get all perks and privileges as assigned to the Minister of State.

(4) The Chairman shall be the Chief Executive of the Society and in the absence of the Chairman, the Vice-Chairman shall perform the functions of the Chairman.

7. Vice Chairman and other office bearers.- (1) The General Body shall elect the Vice-Chairman, the Treasurer, and other office bearers of the Society, on such terms and conditions as may be prescribed by rules.

(2) The Treasurer shall control the funds and finances of the Society and shall ensure the maintenance of proper accounts for purposes of audit.

(3) The accounts of the Society shall be maintained in such form and in such manner as the Government may, determine.

(4) The accounts of the Society shall be audited at the close of each financial year by an auditor being chartered accountant within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), on such remuneration as may be determined by the Society. Copies of the Auditor General's report on the accounts shall be provided to the President and the Government through the concerned Division.

(5) The Managing Body shall appoint a Secretary of the Society. Any person so appointed, who is not a life member of the Society, shall, within thirty days of his appointment, become a life member of the Society.

(6) There shall be a Secretariat of the Society and the Secretary be the head of the Secretariat, and in the absence of the Secretary, any other officer, with the

approval of the Chairman, shall act as such head and perform all the functions of the Secretary-General.

8. Annual General Meeting.- (1) The Annual General Meeting of the Society shall conduct the following business, namely:-

(a) Adopt the Annual Report of the affairs of the Society to be presented by the Secretary;

(b) Pass the Audit Report of the preceding year to be presented by the Treasurer;

(c) Approve of the Annual Budget prepared by the Managing Body;

(d) When necessary, elect the Vice-Chairman and the Treasurer of the Society and the members of the Managing Body; and

(e) Consider any other matter specially placed before it by any delegate or the Managing Body in the prescribed manner for consideration in such meeting.

(2) A copy of the Proceedings of the Annual General Meeting along with copies of the Annual Report and the Audit Report, as adopted in the meeting, shall be sent to the President and the Government through the concerned Division.

9. Decision of Managing Body. The Managing Body shall have authority to determine in all cases what matters properly fall within the scope and its decision in all such matters shall be binding on all Branch Committees and affiliated bodies etc.

10. Implementation principles of the Society.— The implementation principles of the Society shall be conducted on the basis of the following principles:-

(a) Humanity;

(b) Impartiality;

(c) Neutrality;

(d) Independence;

(e) Voluntary service;

(f) Unity; and

(g) Universality.

11. Duties of the Society.— Society has the following duties:-

(a) Providing assistance to the victims of Armed Conflicts, riots, and other security disturbances;

(b) Providing blood to the victims of Armed Conflicts, riots, and other security disturbances;

(c) Conducting volunteer coaching;

(d) Carrying out education and training related to Society Affairs;

(e) Dissemination of information relating to the Society Affairs activities;

(f) Assisting in the handling of calamities and disasters in the country and abroad;

(g) Recommend to the concerned Division any matter pertaining to reform, improvement, and sustainability of information and communication regarding natural or manmade disasters;

(h) Undertake programs and projects for community resilience;

(i) Capacity building and outreach of the society;

(j) Projection of the society for humanitarians and development activities

(k) Provide health and other social services to the victims during natural or manmade disasters; and

(l) Perform other humanitarian duties to fill the critical gaps.

12. Cooperation and Coordination.— (1) In implementing the duties, the Society shall cooperate and coordinate with national and international organizations working in humanitarian affairs for providing services to humanity:

Provided that the cooperation and coordination movement shall be in addition to the RCRC movement coordination.

(2) The cooperation and coordination shall be conducted in accordance with the provisions of applicable laws and agreed protocols of the RCRC movement.

13. Constitution of Branch Committees.- (1) There shall be a Branch Committee for each of the Province and all property vested to the Province shall vest to the Branch Committee in such manner, and to such extent, as may be determined by the President on the recommendations of the Chairman:

Provided that on the proposal of the Governor of a Province, the Chairman may request to the President for the establishment of one or more Branch Committees in a Province.

(2) The Chairperson for each Branch Committee shall be appointed by the Governor of that Province on the recommendations of the chairman of the National Headquarter.

(3) The Branch Committee for each of the Provinces shall consist of such persons, not exceeding ten in number, one of whom shall be the Chairperson, as may be appointed by the Governor of the Province concerned.

(4) Regulations shall be made by the Branch Committee within nine months after the commencement of this Act, with the approval of the Managing Body, until regulations are so made, the procedure provided for the Branch Committee under the Pakistan Red Crescent Society, Act. 1929 shall remain in the field.

(5) Subject to the requirements of the Managing Body, any provision for expenses of management, the income of any property which vests in the Society under the provisions of this Act shall be distributed annually among the Branch Committees according to the percentages specified in the Second Schedule, to be expended by them and at their discretion upon all or any of the objects referred under this Act.

(6) The President of Pakistan may, by notification in the official Gazette, direct that any Branch Committee specified in the Second Schedule shall be excluded therefrom or that any newly constituted Branch Committee not specified therein shall be included therein, and that the percentages specified in that Schedule shall be varied as required by any such exclusion or inclusion.

(7) On the issue of a notification under this section, the Second Schedule shall be deemed to be amended in accordance with such notification.

14. Powers of Branch Committees.- (1) Subject to the rules, each Branch Committee shall have all power to regulate its own procedure and constitution, to receive gifts, and expend all monies received by it for its purposes, either directly or through other societies or bodies:

Provided that ten percent of all cash donations received by any Branch Committee for any of the general objects set out in the First Schedule shall be placed at the disposal of the Managing Body to be applied by it for the general purposes of the Society.

(2) The Branch Committees shall establish units of the society in each District and executive committee as and when required with the approval of the Managing Body.

15. Affiliation of other Societies. The Managing Body may affiliate to the Society any other society or body having all or any of the objects and purposes

and may provide for the allocation and distribution of funds, through such society or body, to or for any such objects or purposes.

16. Receipt and use of gifts. (1) The Society may receive and hold gifts of whatsoever description either for the general purposes of the Society or for any particular purpose for which the corpus or income of the property vested in it may be applied and on receipt of such gifts may apply the same to such purposes, either directly or through Branch Committees or societies or bodies affiliated under this Act.

(2) The Chairman with the approval of the Managing Body may order for auction of any gift vehicle or item, as the case may be, as per the standard operating procedure of the Government:

Provided that custom duty shall not be payable on the auction of such item or gift-gifted vehicle under this section.

17. Funding.— Funding of the Society may be obtained from-

- (a) Non-binding community donations;
- (b) Income from the sale of movable or immovable property;
- (c) Fees and commissions collected as prescribed from time to time by the Society;
- (d) Local and foreign aid, grants, and loans negotiated and raised or otherwise obtained by the Society;
- (e) Income from investments;
- (f) Grants by the Federal Government or any Provincial Government or local authority;
- (g) Any sums received or earned by the Society; and
- (h) Other legitimate sources of funding in accordance with the applicable laws.

(2) In addition to the funding as mandated in sub-section (1), the Government shall provide funds from the National and Provincial budgets for payment of salaries, establishing infrastructure, administrative, operational, and any other expenses, and running the day-to-day business of the Society.

(3) The fund of the Society shall be consumed in a transparent, orderly, and accountable manner in accordance with the provisions of applicable laws.

(4) The fund of the Society received from the Government shall be non-lapsable.

18. Guidance for supervision of the activities.— (1) The Government may issue guidelines for the supervision of the activities of the Society from time to time.

(2) In order to enhance the participation of the communities in implementation of the Red Cross Affairs, the Society may issue a guideline for individuals, groups of persons, and other registered organizations or humanitarian agencies.

(3) The Society shall share its report to the President regarding the activities of the Society at least once a year or incidentally.

19. Training.— The Society shall train, if necessary, doctors, nurses, staff, volunteers and other special technicians about the activities and tasks assigned to the Society under this Act.

20. Form and use of Red Crescent Emblem.— The Society shall use as its emblem the heraldic sign of the Red Crescent on a white ground in accordance with the Geneva Conventions and the law in force relating to the preservation of the sanctity of such emblem.

21. Prohibition.— (1) Anyone is prohibited from using the Society Affairs Emblem and name as Indicative Sign or Protective Sign other than as stipulated herein.

(2) Anyone is prohibited from abusing the Society Affairs Emblem and name as an Indicative Sign or Protective Sign with the aim to obtain personal gain.

(3) Anyone is prohibited from using the Society Affairs Emblem and name or Society emblem as brand of product, goods, services, or name of a certain legal entity or organization and or use the Society Affairs Emblem or Society emblem and name for bill Body or commercial advertisements.

(4) Anyone is prohibited from imitating or using the Society Affairs Emblem and name or Society name and emblem based on shape and color, either partially or entirely that cause confusion and misconceptions about the use of the Emblem of Society Affairs or Society, except the emblems that have been regulated in international law.

22. Fine on the use of Red Cross Affairs Emblem and name.— (1) Anyone who deliberately uses the Red Cross Affairs Emblem and name as Indicative Sign or Protective Sign is convicted and shall be fined not less than five thousand rupees per day.

23. Appointment of officer and staff.— (1) The Society may appoint such officers and other employees with the approval of the management Committee, on a regular basis, as it considers necessary for the efficient management of its affairs and business on such terms and conditions as may be prescribed by rules.

(2) The Society shall offer the option of regular service to the current serving employees on such terms and conditions as prescribed by regulations.

24. Establishment of Red Crescent Corps.— The Pakistan Red Crescent Society shall establish a Red Crescent Corps (RCC) in the Islamabad Capital

Territory and all the Provinces and districts, wherever required. It shall be a volunteer force, which shall cater for any emergencies or other welfare and humanitarian work, as may be determined by the Society.

(2) Red Crescent Corps shall be a part of the Pakistan Red Crescent Society (PRCS). Appointment of all staff shall be done with the approval of the Chairman on such terms and conditions as may be prescribed by rules.

(3) The Pakistan Red Crescent shall coordinate with Universities and Degree Colleges or any other educational institutions to mobilize, enroll and train students and communities for disaster preparedness, response, first, aid, risk reduction, and climate change adaptation, etc. The PRCS shall also conduct school safety awareness sessions. The duration and text of training shall be decided by the Chairman.

(4) The curriculum for training in the educational institutions shall be determined by the Chairman in consultation with the Chairman of the Higher Education Commission.

(5) The PRCS shall coordinate with any relevant government, semi-government and public office and officers at District, Provincial and National level for the purposes of enrollment of volunteers for disaster preparedness, response, first, aid, risk reduction, and climate change adaptation training in educational institutions and communities.

(6) No volunteer or member of RCC shall have any right to be given any job in the PRCS. However, a volunteer or member may apply for a job in PRCS, if otherwise qualified.

25. Ambulance Service.— The PRCS shall establish and operate an Ambulance Service within available means and as per the objectives of this act/mandate of the society.

26. Data protection policy.— The PRCS shall prepare a data Protection policy for the society in consultation with major Red Cross-Red Crescent Movement partners. The policy shall be approved by the Chairman on the recommendations of the Managing Body.

27. Delegation of powers and functions.— The Managing Body may delegate any or all of its powers and functions under this Act to the Secretary General of the Society or sub-committees established under this Act.

28. Establishment of National Headquarters.— There shall be an established National Headquarters at Pakistan Red Crescent Building, Islamabad. It shall be headed by the Secretary General. The National Headquarters shall monitor, supervise and control all activities of the Society throughout the Country. All branches of Society shall follow the directions of the National Headquarters and keep it informed about its activities and functions on regular basis.

29. Membership.— The society shall take steps to enhance its membership. The society shall offer different categories of membership under this Act.

30. Role of international organizations.— The International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC) and all Red Cross and Red Crescent Societies of different countries, as well as the Islamic Committee of International Crescent (ICIC), shall carry out the programs and activities being supported in co-ordination and co-operation of the National Headquarters of the Society.

(2) The PRCS may involve and coordinate RC Partners, UN Agencies, Corporations, Multi-Nationals, and Donor Agencies in achieving its goals.

(3) No program shall be initiated by IFRC, ICRC, or any of the partner National Society without the consultation of PRCS, National Headquarters.

31. Unified rules of PRCS.— The rules of the Society shall be unified rules and shall apply to all branches. The directions of the National Headquarters shall be binding on all branches.

32. Member of international organization.— The Society may become a member of any International Organization having all or any of the objects and purposes set forth in the First Schedule as its objects and purposes.

33. Transitional provisions.— On the commencement of this Act-

(a) the Red Crescent society recognized and appointed as the sole organization for running the Red Crescent works in Pakistan under the Pakistan Red Crescent Society Act, 1929 (XV of 1929) is stipulated as the Society under this Law;

(b) The Society as referred to in the letter shall carry out its duties, functions, and authority under this Act;

(c) the use of Society Affairs Emblem which has been used by anyone who is not eligible under this Law shall be replaced within a period no later than two years as of the enactment of this Act; and

(d) All the laws that govern the Society Affairs are declared remaining in force provided that they are not contrary to the provisions of this Act.

34. Power to make rules.— The Managing Body shall within six months of its composition make rules with the approval of the Division concerned, to carry out the purposes under this Act. The rules may provide among other matters for the following, namely:-

(a) The conditions of membership of the Society;

(b) The appointment and term of service of employees of the society;

(c) The choice of representatives of international and other Committees;

(d) Representation on the Managing Body of Provincial and State Branch Committees and affiliated societies and bodies;

(e) The constitution of Finance, Human Resources, Procurement, executive committee, and other Committees and the delegation of powers to them; and

(f) The regulation of the procedure generally of the Society and Managing Body.

35. Power to make regulations.— The Division concerned may by notification in the official Gazette, make regulations for the purposes of this Act.

36. Purposes to which funds of Society may be applied.— Notwithstanding anything contained in any appeal for subscriptions or gifts to or for the purposes of the Committee, the Managing Body may at its discretion apply—

(a) either the corpus of the income or any part of such corpus or income of any property vested in it for the relief of sickness, suffering, or distress caused by the operation of war in Pakistan or in any other country in which Expeditionary Forces from Pakistan may, from time to time, be employed and for purposes cognate to that object and in maintaining Red Crescent Depots for military purposes; and

(b) in accordance with the provisions of this Act, the income only of any such property but not the corpus or any part thereof for the relief of sickness or suffering in Pakistan, whether due to the operation of war or not, or in pursuance of any of the objects set forth in the First Schedule.

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

38. Indemnity.— No suit or other legal proceedings shall lie against the officers and other staff of Society in respect of anything which is done in good faith in the performance of their official obligations under this Act.

39. Savings.- Notwithstanding anything contained in this Act, in respect of the erstwhile Society any notification issued, appointment made, the power delegated, contracts entered into, proceedings commenced, rights and liabilities incurred, fee or charges levied, things done or actions taken, so far as they are not inconsistent with the provisions of this Act, rules and regulations, be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Act.

40. Officers of the Society to be public servants.- The officers and members of the staff, advisors, consultants, and experts of the Society shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code (Act XLV of 1860) for the purposes of perks and privileges.

41. Repeal.— The Pakistan Red Crescent Society Act, 1929 (XV of 1929) is hereby stand repealed.

FIRST SCHEDULE

(See Sections 14, 32 and 37)

Objects to which the funds of the Society may be applied

- 1) The care of the sick and wounded who are or were members of the Pakistan Forces.
- 2) The care of those suffering from tuberculosis, having regard in the first place to soldiers and sailors, whether they have contracted the disease on active service or not.
- 3) Child welfare.
- 4) Work parties to provide the necessary garments, etc., for hospitals and health institutions in need of them.

- 5) Assistance required in all branches of nursing health and welfare work, ancillary to any organizations which have or may come into being in 3 [Pakistan] and which are recognized by the Society.
- 6) Home Service Ambulance Work.
- 7) Provision of comforts and assistance to persons who are or were members of the Pakistan Forces.
- 8) Such other cognate objects as may, from time to time be approved by the Society.
- 9) The expenses of management of the Society and its branches and affiliated societies and bodies.
- 10) Natural and manmade disasters.
- 11) Capacity building of the society and any community resilience projects.
- 12) The representation of the Society on or at international or other Committees formed for furthering objects similar to those of the Society.

SECOND SCHEDULE

(See section 13)

Name of Branch Committee	Approximate percentage of the claim.
1) Islamabad	
2) Karachi	
3) Peshawar	
4) Quetta	
5) Lahore	
6) Azad Jammu and Kashmir	
7) Gilgit Baltistan	

STATEMENT OF OBJECTS AND REASONS

Pakistan Red Crescent Society (PRCS) is a statutory body constituted and governed under the Pakistan Red Crescent Society Act, 1920 (XV of 1920) to provide for the future administration of the various monies and gifts received from the public for the purposes of medical and other aid to the sick and wounded and other purposes of a like nature.

2. Pakistan Red Crescent Society is part of an 'International Red Cross Red Crescent Movement' which has three components i.e. International Federation of Red Cross Red Crescent Societies (IFRC) dealing with disaster response, health services, organizational development and dissemination of Humanitarian Values, International Committee of the Red Cross (ICRS), dealing with conflict, prisoners of war and Geneva Conventions and National Societies. Pakistan Red Crescent Society became part of the ICRC on 21st July, 1948 and was admitted as member of IFRC on 18th August, 1948.

3. Due to the important role of PRCS in disaster relief and rehabilitation and considering the ever-expanding role of the society in view of the sharp increase in natural and man-made disaster across the country, there is a need to bring the organization in shape to meet the emerging challenges to bring new ideas for effectiveness of PRCS a new legislation needs to be initiated especially after recent severe and larger scale natural disaster which cause widespread fatalities, killing livestock, and damaging and destroying public and private infrastructure across the country. Therefore, it is need of the time to repeal the existing Act and bring a new Act which provide timely response, rescue and meet all the aforesaid challenges.

4. This Bill has been designed to achieve the aforesaid objectives.

SD/-
MR. JAMES IQBAL
MS. ASIYA AZEEM
Members, National Assembly