

[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
  - (1) "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;