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NO. 14 QUETTA TUESDAY FEBRUARY 13. 2001.

. GOVERNMENT OF BALOCHISTAN

f LAW DEPARTMENT.

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NOTIFICATION.

Dated Quetta. the 13th February. 2001

No. Legis: 1-127/Law/2000. The following Ordinance made by the Governor of

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Balochistan on 9" February. 2001, is hereby published for general information: -

BALOCHISTAN ORDINANCE NO. II OF 2001

xe PH BALOCHISTAN HOSPITAL WASTE MANAGEMENT COUNCIL

ORDINANCE. 2001.

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Preamble

Short title, extent and commencement.

MCMUHONS,

AN
ORDINANCE

to provide for safe disposal of waste generated by Hospitals in the Province of Balochistan.

WHEREAS, it is expedient to provide for the safe disposal of bio-hazardous waste generated by Hospitals, and the other establishments in the Province of Balochistan, and matters connected therewith or ancillary thereto, in the Province of Balochistan, in the manner hereinafter appearing:

AND WHEREAS the Provincial Assembly of Balochistan stands suspended in pursuance of Proclamation of Emergency of the fourteenth day of October, 1999, and the Governor of Balochistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in pursuance of Article 4 of the Provisional Constitution (Amendment) Order, 1999 (Chief Executive's Order No. 9 of 1999), and in exercise of all powers enabling him in that behalf, the Governor of Balochistan is pleased to make and promulgate the following Ordinance: -

1. (1) This Ordinance may be called the Balochistan Hospital Waste Management Council Ordinance, 2001.

(2) It extends to the whole of the Province of Balochistan except Tribal Areas.

(3) It shall come into force at once.

2. In this Ordinance, unless there is anything repugnant in the subject or context: -

a) "Council" means the Balochistan Hospital Waste Management Council established under section 4;

b) "Hospital Waste" means the liquid or solid waste generated in a hospital. For the purposes of

this Ordinance it includes sewage. — refuse, chemicals, washings, clinical dressing and bandage materials of all description. clinical swabs of all descriptions. drugs of all descriptions, linen, syringes, needles, radioactive materials, human tissue of all description, and such other items that may be declared as waste and dangerous for human life by the Council;

c) "Hospital" means a place of health care delivery where a person can visit for treatment, and may be admitted and kept for any duration of time, with the intention of therapeutic intervention, diagnostics. or any such purposes as may be determined by the Council.

d) "Province" means the Province of Balochistan;

e) "Regulations" means regulations made under

this Ordinance:

f) "Rules" means rules made under this Ordinance:

General Provision 3s Subject to the provisions of this Ordinance and the rules made thereunder, the functions of the Council shall

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out for ramon beings. animals, or agriculture.

diagnos:

related to such an act or ancl

ee fe ensure ang underlake ali measures insofar

es possible lor safety, protection, and promotion of human life.

2) to ensure the observance of the National Environment = Quality = Standards = (NEQSs). International Standards. the Environment Protection Act of 1997,

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Establishment of
Council

4, (1) As soon as may be, but not later than thirty days, after commencement of this Ordinance, the Government shall, by notification in the official gazette, establish a Council to be known as the Balochistan Hospital Waste Management Council, consisting of the following members, namely: -

i) The Secretary to the Government of Balochistan, Health Department, shall be the Chairman of the Council;

ii) Director General Environment Protection Agency Balochistan, shall be a member;

iii) Director General, Health Services Balochistan, shall be a member;

iv) Managing Director, WASA, shall be a member;

v) Chief Engineer, Public — Health Engineering Department - Balochistan, shall be a member:

vi) Zila Nazim, Quetta Municipal Corporation shall be a member;

vii) The Director, Institute of Public Health, Quetta, shall be a member;

viii) Six (6) members, being owner / administrator of private sector hospitals, will be nominated by the government from amongst the Owners / Administrator of private hospitals in the Province of Balochistan. These six (6) members will be distributed in a manner to provide adequate representation to the private hospitals in all regions of their Divisions;

ix) The Deputy Commissioner Quetta shall be a member;

x) Medical Superintendent, of the apex

public sector hospital in the Province, or Director of Hospital Services in the

Balochistan Health Department, to be nominated by Health Department, shall be a member;

xi) A medical teaching grade Microbiologist, not below the rank of Assistant Professor, having Public Health background, to be nominated by the Health department shall be a member;

xii) A medical teaching grade Clinical Pathologist, not below the rank of an Assistant Professor, having Public Health background. to be nominated by Health department shall be a member:

xiii) The Incharge of Environmental Health Unit of the Institute of Public Health, Quetta, shall be Secretary to the Council.

xiv) The Deputy Commissioner of the respective district pertaining to which a case or a plan of action is under consideration will be a co-opted member.

(2) The Chairman or a member shall, unless he resigns or is removed from office earlier as hereinafter provided, hold office for a term of four years and shall be eligible for reappointment for a similar term. :

(3) No act or proceeding of the Council shall be invalid on the ground merely of existence of a vacancy in, or defect in, the constitution of the Council.

(4) The principal office of the Council shall be in Quetta and it may set-up sub-offices at such place or places, as it may deem appropriate.

(5) There shall be a Vice-Chairman of the Council, to be designated by the Council from among its members. The designation of Vice Chairman shall be for a period of one year, and

Chairman, etc., to be
public servants

Staff and advisors, etc

shall be on rotation basis, to be determined by the
Council.

(6) In case of completion of term of office of
members to the Council, the government shall
notify the new nominations, at least thirty days in
advance of such an event. * nt

(7) Holding of office with the council by ex-
officio members will be in accordance with
respective incumbency status of such posts.

(8) The first members to the Council from
amongst the private hospitals shall be nominated by
the Government, the subsequent members will be
nominated by the government in consultation with
the body representing the Private Hospitals in the
Province;

>. The Chairman, members, staff, experts, consultants.
advisors, and other employees of the Council, when acting
or purporting to act in pursuance of any of the provisions of
this Ordinance, or the rules or regulations, shall be deemed
to be public servants within the meaning of section 21 of
the Pakistan Penal Code, 1860 (Act XIV of 1860).

6. (1) To carry out the purposes of this Ordinance
the Council may, in consultation with the
Government, from time to time, employ officers.
members or its staff, experts, consultants, advisors.
and other employees on such terms and conditions
as it may deem fit.

(2) All officers, members of staff, experts,
consultants, advisors, and other employees
employed by the Council shall not be deemed to be
civil servants within the meaning of the Balochistan
Civil Servants Act, 1974.

(3) The Council may seek assistance from a
qualified person deemed fit for the assignment by
the Council, as Evahicator, as prescribed in the rules.

Meetings of the Council!

Special Review

Committee

Special Review

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To investigate, verify, or to undertake any other task assigned by the Council. The Evaluator will be eligible to receive remuneration for — their professional services. to be determined by the Council.

Provided, that in case of prejudice. or a valid apprehension of any other discrimination by any Evaluator, an incumbent being inspected may register complaint with the Council. which will dispose the matter in accordance with the rules.

(1) The Secretary to the Council, on the directions of the Chairman. shall call the meeting of the Council. The Council shall however meet at least once in each quarter.

(2) The quorum for meetings in which a decision is to be taken shall be 1/2 of working members to the Council, provided that reasonable notice with regard to the matters requiring decision of the Council, time, and place of such meeting, has been received by all members.

(3) In absence of the Chairman the meetings shall be presided by the Vice-Chairman.

(4) All decisions of the Council shall be taken by majority of members present, and in case of a tie, the member presiding the meeting shall exercise a casting vote.

(5) All orders. determinations, and decisions of the Council shall be taken in writing and shall identify the determination of the Chairman and of each member.

8. The Council may. from amongst its members. or professional staff, establish Special Review Committee/s for settlement of technical and operational problems and disagreements or any other matter as the Council may assign.

The aperitivns or the Ceunel shall be Tinded trom:

Accounts — 10,

Power to set standards 11.
for hospital waste and

prescribe procedures

for its safe disposal

(1) Grants from the Provincial Government.
including an initiating grant, to be determined by
the government; and,

(2) Fines collected by it as prescribed under the
rules.

(1) The Council shall maintain complete + id
accurate books of accounts of its actual expenses
and receipts.

(2) The Accounts of the Council shall be
audited annually by the Director Audit Balochistan.

(1) The Council shall have the exclusive power,
to be exercised in the manner prescribed in the
rules, to set and declare minimum standards,
standard operating procedures in respect of hospital
waste management, and any other related matter, in
the Province.

(2) The Council shall have exclusive power, to
be exercised in a manner prescribed in the rules, to
declare standards for procedures to ensure safe
disposal of hospital waste.

(3) The Council shall have exclusive power, 9
be exercised in the manner prescribed in the rules,
to set tariffs for safe disposal system, to be charged
by the Contractor or Agency operating for the
provision of this service.

(4) Any Public or private Hospital found
deficient in its observance of minimum. safety
standards, at an inspection, will be given a grace
period of six (6) weeks to complete such a
deficiency. or as prescribed in the rules. After which
if the deficiency still is not met in a satisfactory
manner the Council may direct the closure of such a
Hospital. or any other action as may be determined
by the Council:

Power to invite private 12.

Sector CONCEFRS to operate a Hospital Waste Management system, in the Province of Balochistan.

Provided that, a grace period of two (2) months, or as determined by the Council, will be allowed, after establishment of the Council, for all Hospitals to come in line with the required standards. After which no hospital would be allowed to operate in the Province, or any other action as the Council may deem fit:

Provided further that, in case of secondary and primary level health care facilities and hospitals in the public sector, the Council may determine special standards, to be published in the official gazette.

(1) The Council shall have the powers to invite private sector for the Disposal of Hospital Waste in the Province, or selected parts of the Province, on such terms and conditions as may suit to Public interest, and submit its recommendations to the Government for consideration.

(2) After approval of the Government the Council may award the contract or contracts to such private concerns and oversee its execution and disposal in accordance with the requirements of public safety and convenience. as may be prescribe by rules and regulations published in the official gazette, operational policy guidelines, and operating standards.

Provided that, such regulations shall be prescribed after the Council is satisfied with their validity, public safety and well being. And within the context of public safety, safeguard the rights of the hospital owners and hospital administration, and the private concerns.

Provided further that. the Council shall ensure that within 90 days, of it being constituted. or as determined by the Council. formal declaration of such regulations is made. to be amended from time to time in the light of technical developments

Formation of
Committees

Power to Inspect and
Monitor Hospital

facilities

t
Offences, Penalty, and 15,

Procedures

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and other requirements, as may be prescribed in the
rules.

The Council, as it may deem fit, constitute

Committees, for the purpose of carrying out the objectives
of this Ordinance. The Council shall determine the
composition, functions, and other matters pertaininTM. '9
such committees.

14,

(1) The Council shall have the powers to cause
inspection of hospitals in the Province, at any time,
or as may be prescribed by the Council, for the
purposes of this Ordinance.

(2) The Council shall have the power to explore,
investigate, or do any other action to be determined
by the Council, on any case reported to it, or suo
moto, in respect of any hospital or facility in the
Province. And make recommendations in this
regard, and pursue the implementation of such
recommendations by quarters concerned.

(1) Whoever himself or by any other person on
his behalf, or by any person under his supervision
wilfully, dishonestly, or recklessly undertakes any
act which contravenes any of the provisions of this
Ordinance or the Rules or Regulations maac-
thereunder, shall be punished with a fine which may
extend to rupees fifty thousand.

(2) Whoever, having been punished of an
offence under this Ordinance, or the rules, or
regulations, is again found guilty of an offence

under this Ordinance. rules, or regulations, shall be punishable with a fine which may extend to rupees two hundred thousand, or with temporary closure of such a facility in respect of which the contravention occurred, or with both.

(3) Whoever, having been punished twice of an offence under this Ordinance or the, rules, or regulations. and being given a time limit to rectify the contravention. is again found guilty of an

Disposal of the
equipment, materials,
cle.

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offence. shall be punishable with a fine which may extend to rupees five hundred thousand, or permanent closure of such a facility in respect of which the contravention occurred, or with imprisonment for a term which may extend to one year, or with any two or all three penalties.

(4) Where a person found guilty of an offence under this Ordinance or the rules, or regulations, is a company, Medical Practitioner group, hospital, department, corporation, firm, or institution, every director, partner, and employee, of such a company, group practice, hospital, department, corporation, firm, or institution shall, unless he proves that offence was committed without his knowledge or consent, be guilty of like offence.

(5) If any person, or a company, group practice, hospital, department, corporation, firm, or institution, is convicted of an offence under this Ordinance, rules, or regulations, it shall be lawful for the Council to cause the offender's name, place of residence, place of business, the offence which has been convicted, and the penalty inflicted upon such a person, company, Medical Practitioner group, hospital, department, corporation, firm, or institution, to be published at the expense of such a person, company, group practice, hospital, department, corporation, firm, or institution, in such newspaper or in such manner as the Council may direct.

Provided that, the expenses of such publication shall be recoverable in the same manner as a fine is recoverable.

Where any person has been convicted of an offence under this Ordinance, Rules, or Regulations, it will be lawful for the equipment used, and any other related materials, in respect of which contravention has been made, be confiscated and disposed off in the manner as decided by the Court.

Cognisance of Offence

Power to make rules

Power to make regulations

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Relationship to other lens

Sum payable to the Council to be recoverable as land revenue

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17. (1) No court shall take cognisance of any offence punishable under this Ordinance, rules, or regulations, except on a complaint in writing by the Council or by an officer / representative duly authorised in this respect thereof.

(2) The provisions of Chapter X.Y of the Code of Criminal Procedure, 1898 (Act V of 1898), sh-- apply to the trial of offences punishable under this Ordinance.

18. The Provincial Government may, by Notification in the official gazette, make rules for carrying out the purposes of this Ordinance.

19, (1) The Council may, by notification in the official gazette, make regulations for carrying out its functions, not inconsistent with the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing powers, such regulations may also provide for the appointment of its officers, members of staff, consultants, advisors, and such other persons and the terms and conditions of their services,

20. Except as expressly provided in this Ordinance, no suit, prosecution, or other legal proceedings shall lie against the Council, the Chairman, or any Member, or a member of any of its Committees / Special review committees, or Evaluators, or employee of the Council, in respect of anything done or intended to be done in good faith under this Ordinance.

21. The provisions of this Ordinance shall be in addition to, and not in derogation of, any other law for the time being in force.

22. All sums payable to the Council in accordance with the provisions of this Ordinance, rules. and regulations, shall be recoverable as arrears of land revenue.

Removal of difficulty

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23. 'If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Provincial Government may make such order, not inconsistent with the provisions of this Ordinance, as may appear to the provincial government to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Ordinance.

Dated QUEITA, JUSTICE (Rtd) AMIRULMULK MENGAL

the 9th February, 2001. GOVERNOR BALOCHISTAN

IMTIAZ HUSSAIN

SECRETARY LAW