

HEALTH SERVICES ACADEMY ORDINANCE, 2002
[4th October, 2002]

ORDINANCE No. LXII OF 2002

An Ordinance

to provide for the establishment of Health Services Academy

WHEREAS it is in the interest of the country in general and the medical, public health, health services administration and allied professions in particular to establish a center of excellence to provide a strong base for improvement in health status and human resource development and for matters incidental thereto or connected therewith;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitutional Order No. 1 of 1999, read with the Provisional constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement:—(1) This Ordinance may be called the Health Services Academy Ordinance, 2002.

(2) It shall come into force at once.

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

(a) "Academy" means the Health Services Academy;

(b) "Board" means the Board of Governors of the Academy;

(c) "Committee" means the Executive Committee of the Academy;

(d) "Council" means the Academic Advisory Council of the Academy;

(e) "Executive Director" means the Executive Director of the Academy;

(f) "rules" and "regulations" mean the rules and regulations made under this Ordinance; and

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"Teacher" includes Head of Department, Professors, Associate professors, Assistant Professors, Lecturers, Instructors and Research Staff engaged by the Academy, or such other persons as may be recognised to be teachers by the Committee.

3. Establishment of the Academy:— (1) There shall be established an Academy to be called the Health Services Academy Islamabad consisting of-

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the members of the Board;
the Committee and other bodies as the Board may establish;
the Executive Director and the Teachers of the academy;

the teachers and students of the Academy and its constituent and affiliated units; and

such other officers and members of the staff as the Board may, from time to time, specify.

(2) The Academy shall be an autonomous body by the name of the Health Services Academy having perpetual succession and a common seal, with powers, among others, to acquire, hold, control and dispose of moveable and immovable properties and shall by the said name sue and be sued.

(3) The headquarters of the Academy shall be at Islamabad and it may set up its branches at such places in Pakistan as the Board may determine.

4. Functions and powers of the Academy:— To perform its academic and administrative functions in order to achieve its objectives, the functions and powers of the Academy shall be-

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s to provide for instruction and training in health sciences, technology and other allied disciplines in such manner as it considers appropriate so as to produce competent, imaginative, skilled and committed health professionals, doctors, scientists and experts;

to undertake joint investigation and collaborative research in

the field of health sciences, biomedical technology and other allied disciplines;

to provide assistance to health and allied professions, institutions and organisations in Pakistan and abroad through

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expert advice, consultations, institutional consultancies and in any other manner as it may deem fit;

to promote contact and establish linkages with national and

international institutions and other academic, research and development organisations in Pakistan and abroad for effective discharge of its functions and responsibilities;

to pursue and make provisions for research, innovations, inventions, demonstrations and other services as it may deem fit;

to print, publish and circulate periodicals, journals, magazines and books and disseminate scientific, technological and other related knowledge and information conducive to the attainment of any of the objectives of the Academy;

to admit, teach and examine students;

to confer or award degrees, memberships, fellowships, diplomas, certificates, academic and research prizes and distinctions on, and to, persons who fulfill the requirements; or have passed its examinations under arrangement and in collaboration with the, Quaid-i-Azam University;

to affiliate other institutions, in accordance with rules and regulations and to provide for the teaching of specified courses and training for persons not being the students of the Academy and grant certificates, diplomas and degrees to such persons by the Quaid-i-Azam University;

to accept the examinations passed and the period of study

spent at other places of learning as equivalent, to such examinations and periods of study in the Academy as it may

determine;

to create posts within the available financial resources for teaching, research, extension, administration, training and other related purposes;

to inspect hospitals, schools, colleges and _ other institutions of learning affiliated or seeking affiliation with it and grant affiliation in accordance with prescribed procedure;

to institute and award honoraria, scholarships, stipends, bursaries, medals and prizes under prescribed conditions;

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to establish, administer and maintain halls of residence and approve place as hostel and lodging for students;

to supervise and control the discipline of the students of the

Academy, and promote extra- curricular and _ recreational activities of such students, and to make arrangements for promoting their health and general welfare;

to demand and receive fees and other charges as it may determine;

to authorise the mobility of qualified staff among various institutions, research organisations and the Government or corporate bodies on the terms and conditions laid down in the Rules or Regulations;

to institute Professorship, Associate Professorship, Assistant Professorship, Research Associate-ship, and any other posts, and make appointments thereto;

to prescribe courses of studies in health sciences, biomedical technology and other allied disciplines; and to decide teaching methods and strategies in order to ensure the most effective educational and training programmes;

to establish field demonstration areas, laboratories, museums and other facilities for training, education and research;

to affiliate or associate itself with other institutions and to establish faculties in Pakistan or abroad for the effective discharge of its functions;

to use its funds, financial and other resources to the fullest extent for the execution of its programmes;

to enter into agreements, contracts and arrangements with organisations, institutions, bodies and individuals for the purpose of carrying out its functions and activities;

to receive and manage property transferred and grants, bequests, trusts, gifts, donations, endowments and _ other contributions made to it and invest any funds representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions and to convert one kind of property into other, in such manner as it may deem fit; and

(y) to do all such other acts and things as may be required to further its objectives and performance of its functions.

5. Academy open to all classes and creeds, etc:—The Academy shall be open to all persons of either sex of whatever religion, race, creed, colour or domicile who are academically qualified for admission to the courses of study offered by the Academy, and no such person shall be denied the privileges of the Academy on grounds of sex, religion, creed, race, class, colour or domicile.

6. Board of Governors:— The overall control of the Academy shall vest in the Board of Governors of the Academy which shall consist of the following members, namely:-

Minister of Health, Government of Pakistan.....0005 Chairman

Secretary, Ministry of Health.....0.... eee eee ee Vice-Chairman

Director General, Ministry of Health.....0.... ee Member

President, Pakistan Medical and Dental Council..... Member

Vice-Chancellor, Quaid-I-Azam University.....0.065 Member

Executive Director, Pakistan Medical Research Council..... Member

Financial Adviser, Ministry of Health.....:ccceeeeeee ee Member

Secretary, Department of Health, Punjab.....0. ee Member

Secretary, Department of Health, Sindh.....cee Member

Secretary, Department of Health, NWFP.....0008 Member

Secretary, Department of Health, Balochistan..... Member

Three distinguished persons known for their learning or experience in the field of banking, finance, industry or any other related field but including one eminent health SCICNUISt. 0... cece e cece nee e ene eben ee ee een ee ea sees Member

Executive Director of the Academy.....:ceeeeeeee enone Member

(2) The Executive Director of the Academy shall act as Secretary of the Board.

7. Term of members:— (1) The term of members, other than ex officio members, shall be three years.

(2) A member other than an ex officio member may resign his office by writing under his hand addressed to the Chairman of the Board.

(3) When a person is appointed to be a member of the Board by virtue of his holding an office or appointment, he shall cease to be such member when he ceases to hold that office or appointment.

8. Power and Functions of the Board of Governors:— (1) The Board shall exercise powers and perform the following functions, namely;—

(a) to approve the creation of new components of the Academy such as a department, faculty or any other teaching or research unit;

(b) to approve changes in the constitution of any Committee or any other body of the Academy;

(c) to perform all such other activities as may be required for the furtherance of the objectives of the Academy;

(d) to delegate any of its powers to any Committee, the Executive Director or other appropriate levels of management, subject to such conditions as it may deem fit.

(e) to approve long term strategy, policies and plans governing the activities and operations of the Academy so as to ensure its autonomy in teaching, research and other academic work;

- (f) to approve plans of work and the annual budget of the Academy;
- (g) to fix the remuneration, allowances and honoraria for all the staff, both academic and administrative, commensurate with their qualifications and experience, in order to attract the best talent from within and outside Pakistan for the Academy;
- (h) to call for annual progress reports relating to the activities of the Academy and execution of the approved work plans to review the progress and to direct the Executive Director to furnish information relating to any matter specified by the Board;
- (i) to create such administrative or academic posts within the available resources on specified terms and conditions as it may deem necessary and to approve appointment to the administrative and academic posts, on the recommendation of a duly constituted Selection Committee;
- (j) to ensure financial viability of the Academy and effectiveness of its operations, their continuity and preservation of the autonomy of the Academy;
- (k) to approve all affiliations and other arrangements through which other educational and research organizations may become associated with the Academy and vice versa;
- (l) to appoint from amongst its members such committees or sub-committees as it may deem necessary;
- (m) to take all such initiatives as it may consider necessary or desirable for the efficient and effective management of the Academy; and
- (n) to approve the rules and regulations of the Academy.

(2) Until the rules referred to in clause (n) of sub-section(1) are framed, the officers and employees of the academy shall continue to be governed by the rules applicable to them immediately before the commencement of this Ordinance.

(3) In the discharge of its functions, the Board shall be guided on questions of policy by the instructions, if any given to it from time to time by the Federal Government, who shall be the sole judge as to whether a question is a question of policy.

9. Meetings of the Board:— (1) The Board shall meet at least twice a year at such place, date and time as may be notified to the members by the Secretary of the Board with the approval of the Chairman.

(2) The quorum for the meeting of the Board shall not be less than six members, a fraction being counted as one.

(3) The decision of the Board shall be expressed in terms of the view of the majority of the members present and voting and in the event of tie, the Chairman of the board shall have, and exercise, a casting vote.

(4) The meeting of the Board shall be presided over by the Chairman and, in his absence, by the Vice-Chairman.

(5) Where the proceedings of the meeting called under sub-section (1) cannot commence due to lack of quorum or where the meeting of the Board could not be called and agenda needed immediate consideration by the Board, the agenda may be considered by circulation to the members of the Board by the Secretary, with the approval of the Chairman. The decision taken by the majority members shall be construed as a decision taken in the meeting of the Board convened under this section;

(6) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in, or defect in constitution of, the Board.

10. Academic Advisory Council:— The Academy shall have Academic Advisory Council nominated by the Committee and consisting of national and international doctors, scientists, academicians and other experts to-

(a) delineate priorities for research;

(b) guide and direct the executive committee on all academic matters;

(c) recommend such measures which will foster and enhance interaction and collaboration between the Academy and other existing national and international organisations, institutions and research centres; and

(d) work out and propose affiliation measures with foreign institutions of repute.

11. Executive Committee:— (1) Subject to the control of the Board, the general supervision and control of the affairs of the Academy shall vest in the Executive Committee which shall consist of the following members, namely:-

(a) the Executive Director who shall be its Chairman;

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one senior Teacher; and

a representative of Ministry of Health not below the rank of Joint Secretary.

(2) The Executive Director shall, when present, preside over the meetings of the Council and, in his absence, a member nominated by him shall preside.

12. Powers and duties of the Executive Committee:— (1) Subject to the general control of the Board, the Committee shall carry out its day-to-day administration.

(2) In particular and without prejudice to the generality of the foregoing provision, the Committee shall have the power -

(a) to hold, control and administer the property, funds and resources of

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the Academy and borrow or raise money for the purposes of the Academy upon such securities as may be required;

to manage, acquire or dispose of any movable or immovable property of the Academy;

to exercise executive and financial control over the administration of the Academy;

to prepare the annual budget estimates and annual statements of accounts of the Academy;

to lay down and define functions of various constituent parts of the Academy, including its departments and committees;

to sanction in collaboration with the Quaid-i-Azam University schemes for the programmes of teaching and research in health sciences, biomedical technology and other allied disciplines leading to the award of degrees by Quaid-i-Azam University;

to develop and approve programmes of specialized teaching or

training leading to the award of diplomas or certificates in areas of health sciences, allied disciplines and biomedical technology;

to approve schemes of faculty development for specialisation in health science, biomedical technology and other allied disciplines;

(i) to develop and promote collaboration with other appropriate bodies for the development of courses in health sciences, biomedical technology and other allied disciplines;

Gj) to secure the services of experts on terms and conditions as it may deem fit;

(k) to perform such other functions as may be necessary for the realisation of its approved targets and objectives; and

(1) to delegate, from time to time, to the Officers, Teachers and other appropriate levels of management such powers and functions as it may consider necessary for the purposes of this Ordinance.

13. Officers of the Academy:— The following shall be the officers of the Academy, namely:-

(a) the Executive Director; and

(b) such other persons as may be prescribed by the rules or regulations to be the officers of the Academy.

14. Executive Director:— (1) The Executive Director shall be the chief-executive officer of the Academy and shall be appointed by the Federal Government on such terms and conditions as it may determine.

(2) The Executive Director shall exercise general control and supervision over the affairs of the Academy and shall ensure that the provisions of this Ordinance, the rules and regulations, policies and directions of the Board and the Committee are properly executed.

(3) The Executive Director shall perform such other functions as may be entrusted to him by the Board or the Committee and in particular shall-

(a) submit plans of work and budget estimates of the Academy for approval of the Board; and

(b) submit to the Board, in accordance with the rules and regulations, reports on the activities of the Academy.

(4) The Executive Director shall also have power-

(a) to supervise the activities connected with the execution of programmes for teaching, training, research, inventions, innovations, demonstrations, institutional consultancies and other services;

- (b) to authorise expenditure provided for in the budget in accordance with the rules and regulations;
- (c) to appoint, with the approval of the Committee, teachers and officers of the Academy and such other persons as may be necessary in accordance with the rules and regulations so as to ensure the highest intellectual and moral qualities in the persons appointed;
- (d) to re-appropriate funds within the approved budget with previous approval of the Board;
- (e) to engage experts, consultants and advisers as may be required for efficient and effective discharge of the functions of the Academy;
- (f) to constitute from amongst the officers and staff of the Academy such committees, sub- committees and working groups as he may deem necessary;
- (g) to perform such other functions and exercise such other powers as may be entrusted, or delegated, to him by the Board or the Committee, from time to time; and
- (h) to delegate any of his powers to appropriate levels of management subject to such conditions as he may deem fit.

15. Transfer of employees, etc:—to the Academy.- (1) Notwithstanding anything contained in any law, contract or agreement or in the conditions of service, every civil servant employed in the Health Services Academy existing immediately before the commencement of this Ordinance, including persons on deputation to other organizations or abroad, shall, save as hereinafter provided, cease to be a civil servant and stand transferred to and become an employee of the Academy, on the same terms and conditions including remuneration, tenure of service, rights and privileges as to pension and gratuity and other matters applicable to them immediately before commencement of this Ordinance until his employment in the Academy is terminated in accordance with his conditions of service or his terms and conditions are altered by regulations which shall not be less favourable than those by which he was governed immediately before his transfer to the Academy.

(2) Any person on deputation to the Academy immediately before the commencement of this Ordinance, dependent on his choice and with the permission of lending organization, shall either continue in the employment of the Academy on deputation in accordance with the terms of his deputation or shall stand transferred to the Academy on the same terms and conditions, including remuneration, tenure of service, rights and privileges as to pension and gratuity and other matters, as were applicable to him immediately before his transfer to the Academy.

(3) Any person referred to in sub-sections (1) and (2) may, within three months from the commencement of this Ordinance, who may, or may not, opt to be transferred to the service of the Academy and the option so exercised shall be final.

(4) The Federal Government shall pay to the Academy pension, gratuity and provident fund accumulations in respect of each employee transferred under sub-section (1) in such manner and to such extent as may the Federal Government determine.

(5) No person who stands transferred to the Academy shall, notwithstanding anything contained in any law for the time being in force, be entitled to any compensation because of his transfer.

16. Fund, audit and accounts, etc:— (1) The Academy shall have a FUND which shall consist of —

(a) all grants and contributions made to the Academy;

(b) donations, contributions, subscriptions, aid and grants made by the donors;

(c) aid, grants and other forms of assistance by any foreign government, Federal Government, Provincial Government and local bodies, national and international institutions, organizations and agencies;

(d) fees, subscriptions, charges and any other payments for any service rendered, such as training, institutional consultancies, sale proceeds, royalties on publications, commission and receipts from any other source; and

(e) income from any investment and deposits.

(2) The accounts of the Academy shall be maintained and audited each year in such form and in such manner as may be specified by the Board in consultation with the Auditor-General of Pakistan.

17. Indemnity:— (1) No suit, prosecution or other legal proceedings shall be against any person or authority for anything which is in good faith done or intended to be done under this Ordinance.

(2) No decision taken, act or thing done, by the Ministry of Health or the Board or the Committee or the Council under this Ordinance shall be called in question before any court of law or any other authority.

18. Power to make rules:— The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance, including rules to regulate the financial and administrative matters related to the Academy.

19. Power to make regulations:— The Executive Committee may, with the approval of the Board, by notification in the official Gazette, make regulations, not inconsistent with this Ordinance and the rules, providing for all matters for which provision is necessary or expedient for giving effect to this ordinance and efficient conduct of the affairs of the Academy.

20. Removal of difficulties:— (1) If any difficulty arises in giving effect to any of the provisions of this Ordinance the Ministry of Health may make such order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for removing the difficulty.

(2) Where this Ordinance makes any provision for anything to be done, but no provision, or no sufficient provision has been made as respecting the authority by whom, or the time at which, or the manner in which it shall be done, then it shall be done by such authority, or at such time or in such manner, as the Ministry of Health may direct.