

CONTENTS

CHAPTER I PRELIMINARY

Short title, extent and commencement.

Definitions.

Establishment of the Institute.

CHAPTER II GENERAL

Functions of the Institute.

Board of Governors.

Term of office of members.

Powers of the Board.

Meetings of the Board.

Executive Director.

Funds of the Institute.

Budget, audit and accounts.

Delegation of powers.

Appointment of officers, etc.

CHAPTER III MISCELLANEOUS

Employment under the Institute to be employment under the Federal Government.

Ordinance XXIII of 1969 not to apply to Institute.

Co-operation with International Organizations.

Submission of periodical reports.

Directives from the Federal Government.

Discoveries and inventions to vest in the Institute.

Continuance of certain rules, etc.

Winding up of the Institute, etc.

Transfer of existing employees of the Laboratories to the Institute.

Power to make rules.

Power to make regulations.

Page 1 of 13

THE NATIONAL INSTITUTE OF HEALTH ORDINANCE, 1980

ORDINANCE NO. XLII OF 1980

[10% September, 1980]

An Ordinance to provide for the establishment of the National Institute of Health.

WHEREAS it is expedient to provide for the establishment of the National Institute of Health and for matters connected therewith or ancillary thereto;

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 the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA. Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Ordinance may be called the National Institute of Health Ordinance, 1980.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force at once.
 2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context,—
 - (a) "Board" means the Board of Governors of the Institute;
 - (b) "Chairman" means the Chairman of the Board ;
 - (c) "Division" means a unit of the Institute ;
 - (d) "Executive Director" means the Executive Director of the Institute ;
 - (e) "Institute" means the National Institute of Health established under section 3 ;
 - (f) "member" means member of the Board ; and
 - (g) "prescribed" means prescribed by rules made under this Ordinance.
 3. Establishment of the Institute——(1) As soon as may be after the commencement of this Ordinance, the Federal Government shall establish, in accordance with the provisions of this Ordinance, an Institute! to be called the National Institute of Health.
 - (2) The Institute shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and shall by the name specified in sub-section (1) sue and be sued.
 - (3) The headquarters of the Institute shall be at Islamabad.

! See S.R.O. 1008(1)/80, dated 10-9-80, Gaz., of P, 1980, Extra, Pt. II, p. 1780.

CHAPTER II

GENERAL

4. Functions of the Institute. The functions of the Institute shall be,—

- (a) to advise the Federal Government on the control of diseases by suitable methods ;
- (b) to implement all the schemes and proposals approved by the Federal Government for it ;
- (c) to investigate epidemics and other communicable diseases and to conduct research on these problems using modern techniques and achieve excellence in this behalf and to collaborate with other concerned agencies under the Federal Government or the Provincial Governments ;
- (d) to develop methodology and standardise techniques for the investigation of various diseases prevalent in the country;
- (e) to dissipate these techniques to the people working in the profession by holding training courses ;
- (f) to develop an Institute of Tropical Diseases for research and training ;
- (g) to function as National Type Culture Collection Centre ;
- (h) to develop a National Virus Reference Centre ;
- (i) to conduct research and training in community medicine and health services development ;
- (j) to control environment with special reference to air, water and food pollution ;
- (k) to analyse and test the quality of drugs and act as the laboratory for the purpose of sub-section (5) of section 22 of the Drugs Act, 1976 (XXXL of 1976);
- (l) to function as sole producer of vaccines and sera for prophylactic and the therapeutic use and acquire capability of meeting domestic and foreign demands ;
- (m) to conduct research on traditional system of medicine and to collaborate with the international agencies ;
- (n) to impart training in drug analysis ;
- (o) to collaborate with the World Health Organisation in quality control of drugs ;
- (p) to conduct research on applied nutrition like Clinical Nutrition and Food Analysis and undertake nutrition education programme ;

- (q) to advise the Federal Government in developing food standards and pure food laws in collaboration with the international agencies like the World Health Organisation and the Food and Agriculture Organisation ;
- (r) to train medical laboratory technicians and technologists ;
- (s) to undertake repair and maintenance of sophisticated electromedical equipment for other institutions on agreed terms and conditions ;
- (t) to function as a source of supply of small laboratory animals for use in the research and other fields on agreed terms and conditions ; and
- (u) to perform such other functions related to the matters aforesaid as the Board may decide with the approval of the Federal Government.

(2) The Institute may, with the approval of the Federal Government, on behalf of a Provincial Government, perform functions relating to research and investigation on health problems on such terms and conditions as may be agreed upon between the Institute and such Government.

5. Board of Governors.—(1) The 'Minister for Health-Ministry of Health] shall be the Patron-in-Chief of the Institute.

(2) The general Direction and administration of the affairs of the Institute shall vest in the Board which shall consist of, —

- (i) the Secretary, Ministry of Health and Social Welfare. Chairman.
- (ii) Director-General, Health, Health Division. Member.
- (iii) Financial Adviser, Health Division. Member.
- (iv) Surgeon General or his nominee. Member.
- (v) Chairman, Pakistan Medical Research Council, or his Member. nominee.
- (vi) Vice-Chancellor, Quaid-i-Azam University, or his Member. nominee.
- (vii) two representatives from the public to be nominated Member. by the Federal Government.
- (viii) one representative of the College of Physicians and Member. Surgeons.
- (ix) Executive Director. Member/Secretary.

! Subs. by Ord. 63 of 02, s. 2.

6. Term of office of members.—(1) Unless earlier removed by the Federal Government, the terms 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 Federal Government.

(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.

7. Powers of the Board.—(1) The Board may,—

(a) frame policies and supervise general management of the affairs of the Institute and do all such acts and take all such steps as are necessary for the promotion and fulfilment of the objectives and functions of the Institute ; and

(b) frame regulations to govern the working of the Institute and to lay down procedure for the conduct of the business of the Board and its various committees and sub-committees.

(2) 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 which shall be the sole Judge as to whether a question is a question of policy.

8. Meetings of the Board.—(1) The meeting of the Board shall be called by the Chairman on such date and at such time and place as may be specified by him:

Provided that,—

(a) not less than one meeting shall be held in every six months ; and

(b) at least eight days' notice shall be given to the members specifying the date, time and place of the meeting.

(2) The annual reports and the accounts of the Institute for every financial year shall be submitted at a meeting of the Board within six months of the end of the financial year to which the accounts relate.

(3) To constitute a quorum at a meeting of the Board not less than five members shall be present.

(4) All the meetings of the Board shall be presided at by the Chairman and, in the absence of the Chairman, by any other member elected for the purpose from amongst the members present.

(5) Subject to such instructions as the Federal Government may give from time to time regarding various matters including matters having financial implications pertaining to the Institute, all matters of the Institute shall be decided at a meeting of the Board by a majority of the members present and voting, and, in the case of equality of votes, the person presiding shall have a casting vote:

Provided that, in an emergency, any matter may be decided by circulation among all the members and any proposal so circulated and approved by a majority of the members shall be as effective and binding as if such proposal had been approved at a regular meeting of the Board.

(6) The Board may from time to time appoint such working groups, committees and sub-committees from amongst its members as it may consider necessary to assist it in the discharge of its functions and to discharge such of its functions as it may assign to them.

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

9. Executive Director—(1) The Federal Government shall appoint an Executive Director on such terms and conditions as it may decide.

(2) The Executive Director shall be the Secretary of the Board and shall perform the following functions and duties, namely:—

(i) to keep in custody the records and seal of the Institute;

(ii) to appoint officers and other employees against posts up to Grade 17 in the National Pay Scales;

(iii) to supervise and control the administration of the Institute, including disciplinary action against employees upto Grade 17;

(iv) to authorise payment of monthly salaries and allowances to the employees of the Institutes;

(v) to propose budget estimates and revised budget estimates and place the same before the Board for approval;

(vi) to allow payment of bills under any head of the approved budget;

(vii) to issue notices of meetings of the Board and its committees in consultation with the Chairman and to maintain proper record of minutes and proceedings thereof;

(viii) to take steps for the implementation of the decisions of the Board, working groups, committees and sub-committees without delay;

(ix) to execute deeds and documents on behalf of the Board; and

(x) to perform any other duties which may be assigned to him by the Board.

(3) The Executive Director shall not allow capital expenditure on items of civil works or automobiles.

10. Funds of the Institute. The funds of the Institute shall consist of —

(a) grants from the Federal Government and the Provincial Governments ;

(b) donations and endowments;

(c) sale proceeds of vaccine sera, fee from Laboratory tests and health certificates ;

(d) income from investments and deposits ;

(e) receipts from such sources as may be approved by the Board ;

(f) aid from international agencies and foreign countries obtained with the approval of the Federal Government ; and

(g) loans from national and international agencies obtained with the approval of the Federal Government.

11. Budget, audit and accounts.—(1) The Institute shall, with the approval of the Board, submit, by such date as may be prescribed, to the Federal Government its budget in the prescribed form showing its estimated receipts and expenditure.

(2) The funds of the Institute shall be kept in the personal ledger account of the Institute with the National Bank of Pakistan acting as an agent of the State Bank of Pakistan.

(3) The accounts of the Institute shall be maintained in such form and manner as the Auditor-General of Pakistan may from time to time determine in consultation with the Federal Government.

(4) The accounts of the Institute shall be audited by one or more auditors who are chartered accountants within the meaning, of the Chartered Accountants Ordinance, 1961 (X_of 1961), and are appointed by the Board in consultation with the Auditor-General of Pakistan.

12. Delegation of powers. The Board may, by general or special order in writing, direct that all or any of its powers under this Ordinance shall, subject to such conditions and in such circumstances as may be specified in the order, be exercisable also by the Executive Director or any specified member or officer of the Board.

13. Appointment of officers, etc.—(1) The Board of Governors may, subject to the provisions of subsection (2) and such general or special instructions as the Federal Government may give it from time to time, appoint such officers in Grade 18 and above and engage such advisers as it considers necessary for the efficient performance of its functions, on such terms and conditions as it may deem fit.

(2) The Federal Government may direct the Board or the Executive Director to dispense with the services of any officer, adviser or employee of the Institute.

(3) The Board shall constitute one or more committees for the selection of persons for appointment and promotion of officers and employees in various Grades and advisers of the Institute.

CHAPTER II

MISCELLANEOUS

14. Employment under the Institute to be employment under the Federal Government. Every employment under the Institute shall, for the purposes of the Pakistan Essential Services (Maintenance) Act, 1952 (LUI of 1952), be deemed to be employment under the Federal Government and the said Act shall have effect accordingly.

15. Ordinance XXIII of 1969 not to apply to Institute. Nothing contained in the Industrial Relations Ordinance, 1969 (XXIII of 1969), shall apply to or in relation to the Institute or any of the officers and employees of the Institute.

16. Co-operation with International Organisations. The Institute may, subject to the prior approval of the Federal Government, cooperate with any foreign authority or international organisation in the field of health on the terms and conditions of any programme or agreement for

co-operation to which such authority or organisation is a party, or pursuant to any other international agreement made before or after the commencement of this Ordinance.

17. Submission of periodical reports. The Executive Director shall submit to the Federal Government—

(a) such periodical reports and Summaries as may be required by the Federal Government;

(b) annual reports on different research activities;

(c) such periodical returns, accounts, statements and statistics as may be required by the Federal Government;

(d) information and comments asked for by the Federal Government on and specific point ;

(e) copies of the documents required by the Federal Government ; and

(f) original documents required by the Federal Government for examination or for any other purpose.

18. Directives from the Federal Government. The Federal Government may from time to time issue to the Board such directives and instructions as it may consider necessary for carrying out the purposes of this Ordinance and the Board shall be bound to comply with and carry out such directives and instructions.

19. Discoveries and inventions to vest in the Institute. All rights relating to discoveries and inventions and any improvement in materials, methods, processes, apparatus or equipment made by any officers or employee of the Institute in the course of his employment shall vest in the Institute.

20. Continuance of certain rules, etc. All rules and bye-laws of the National Health Laboratories in force immediately before the commencement of this Ordinance shall mutatis mutandis and so far as they are not inconsistent with any of the provisions of this Ordinance, continue in force until repealed or altered by rules or regulations made under this Ordinance.

21. Winding up of the Institute, etc.—(1) No provision of any law relating to the winding up of bodies corporate shall apply to the Institute and the Institute shall not be wound up except by order of the Federal Government and in such manner as the Federal Government may direct.

(2) upon the commencement of this Ordinance, the National Health Laboratories, Government of Pakistan, headed by the Director, hereinafter referred to as the Laboratories, shall stand dissolved

and upon such dissolution,—

(a) all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash and bank balances, reserve funds, investments and all other interests and rights in or arising out of such property and all debts, liabilities and obligations of whatever kind of the Laboratories shall be transferred to and vest in the Institute;

(b) all contract entered into and all matters and things engaged to be done with or for the Laboratories before such dissolution shall be deemed to have been entered into, or engaged to be done by, with or for the Institute; and

(c) all suits and other legal proceedings instituted by or against the Laboratories before such dissolution shall be deemed to be suits and proceedings by or against the Institute and shall be proceeded or otherwise dealt with accordingly.

22. Transfer of existing employees of the Laboratories to the Institute—(1) Notwithstanding anything to the contrary in any contract or agreement or in the conditions of service, every person in the service of Pakistan serving, in the Laboratories immediately before the commencement of this Ordinance, including persons on deputation to other organisations or abroad, shall stand transferred to the Institute and become an employee of the Institute 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 the commencement of this Ordinance until his employment in the Institute is terminated in accordance with his conditions of service or his terms and conditions are altered by regulations made under section 24, which shall not be less favourable than those by which he was governed immediately before his transfer to the Institute.

(2) If the alteration in the terms and conditions is not acceptable to an employee, the Institute may terminate his employment by giving him compensation equivalent to three months' remuneration unless the contract of service with such employee provides for a shorter notice of termination.

Explanation ——The compensation payable to an employee under this sub-section shall be in addition to and not in derogation of any of his rights as to pension, gratuity, provident fund money or other benefits to which he may be entitled under his contract of service.

(3) No person in the service of Pakistan who is transferred to the Institute under sub-section (1) shall, notwithstanding anything contained in any law for the time being in force, be entitled to any compensation because of such transfer.

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

23. Power to make rules. The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

24. Power to make regulations. The Board may, with the previous approval of the Federal Government, by notification in the official Gazette, make such regulations not inconsistent with the provisions of this Ordinance and the rules made thereunder as it may consider necessary or expedient for the administration and management of the affairs of the Institute.

25. Removal of difficulties. If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Federal Government may make such order, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty.

