

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 25th FEBRUARY, 2019

NO.PAS/LEGIS-B-04/2018- The Provincial Assembly of Sindh in its sitting held on 10th January, 2019 passed the Sindh Institute of Cardiovascular Diseases Bill, 2018 and was sent to Honourable Governor for accord his assent as required under clause (2)(a) of Article 116 but he, instead of accord assent to the Bill, returned the same with message in exercise of powers vested upon him under clause 2(b) of Article 116.

The Provincial Assembly of Sindh in its sitting held on 30th January, 2019 reconsidered the Bill and passed it again which was accordingly sent to Governor for accord his assent. The period of ten days has been elapsed and subject Bill shall be deemed to have been assented by the Governor in view of clause (3) of Article 116 of the Constitution and is hereby published as an Act of the Legislature of Sindh.

THE SINDH INSTITUTE OF CARDIOVASCULAR DISEASES ACT, 2018

SINDH ACT NO. III OF 2019

AN
ACT

to provide for the establishment of an Institute known as the Sindh Institute of Cardiovascular Diseases.

WHEREAS it is expedient to provide for the establishment of an Institute known as the Sindh Institute of Cardiovascular Diseases, and to provide for the matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1.(1) This Act may be called the Sindh Institute of Cardiovascular Diseases Act, 2018.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

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

- (a)
- (b)

“Branch” means the branch of the Institute;

“Chairperson” means the Chairperson of the Governing Body;

“Director” means the Director of the Institute appointed under section 12;

“Executive Director” means the Executive Director of the Institute appointed under section 10;

Preamble.

Short title,
extent and
commencement.

Definitions.

(e) "Governing Body" means the Governing Body of the Institute;

(f) "Government" means the Government of Sindh;

(g) "Institute" means the Sindh Institute of Cardiovascular Diseases established under section 4;

(h) "prescribed" means prescribed by rules and regulations;

(i) "regulations" means the regulations made under this Act; and

(j) | "rules" means the rules made under this Act.

3. This Act shall have effect notwithstanding anything contained in any other law for the time being in force.

4. (1) The Sindh Institute of Cardiovascular Diseases is established in accordance with the provisions of this Act.

(2) The headquarters of the Institute shall be at Karachi or Sukkur.

(3) Government may by notification in the official Gazette establish the branches of the Institute at any place in the Province of Sindh.

(4) The following units established by the Government shall be deemed to be the branches and integral part of the Institute:-

(a) Hyderabad;

(b) Tando Muhammad Khan;

(c) Sukkur;

(d) Sehwan;

(e) Khairpur;

(f) Mithi;

(g) Larkana;

(h) Nawabshah;

(i) All Chest Pain Units (CPUs) at Karachi, Gulshan-e-Iqbal, Malir City, Gul Bai, Naggan Chowrangi, Qayyumabad, II. Chundrigar Road, Sindh Government Lyari General Hospital;

Gj) Pediatric Cardiology Centre located at NICVD Karachi;

(k) All property acquired for the Institute and its branches shall vest in the Institute; and

(1) Any hospital or a unit, as may be transferred to the institute by Government.

5. The Institute shall be a body corporate, to be called the Sindh Institute of Cardiovascular Diseases, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immoveable, and shall by the said name sue and be sued.

Act to over-ride
other laws.

Establishment of the
Institute.

Incorporation of the
Institute.

CHAPTER-II GENERAL

6.(1) The functions of the Institute shall be -

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to undertake modern treatment of cardiovascular diseases;

to acquire latest physical facilities required for carrying out necessary investigation and treatment of cardiovascular diseases;

to seek and enter into cooperation with the federal and provincial institutions, international and other foreign agencies with the prior approval of Government in furtherance of the objectives of the Institute;

to enter into agreement and joint venture with the federal and provincial universities, institutes, hospitals and other agencies in furtherance of the objectives of the institute;

to enter into agreement and joint venture with the international and foreign universities, institutes, hospitals and other agencies, with the prior approval of Government in furtherance of the objectives of the institute;

to carry out research in cardiovascular diseases for prevention and control of cardiovascular diseases as well as for its

treatment;

to undertake training of medical students, nurses, para-medics, undergraduate and post-graduate, in cardiovascular diseases;

to develop itself into a centre of super excellence for the treatment of cardiovascular disease;

to affiliate and disaffiliate any institute or hospital on the terms and conditions as may be prescribed; and

to seek affiliation from any institute or hospital.

7. (1) The general direction and administration of the affairs of the Institute shall vest in the Governing Body which shall consist of -

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(v)

Minister Health Chairperson

Two Members of the Provincial Members
Assembly of Sindh to be nominated by

the Speaker

Secretary, Health Department Member

Secretary, Finance Department Member

Executive Director to be appointed by Member
Government

Functions of the
Institute.

Governing Body.

(vi) Four Members from civil society to be Members nominated by Health Department and approved by Chief Minister who shall be from fields of Medicine / Cardiovascular, Finance/ Accounts, Legal or Philanthropist.

(2) The Executive Director shall also act as Secretary of the Governing Body.

8. The Governing Body may —

(a) frame bye-laws to govern the working of the Institute and issue instructions to any committee or sub-committee of the Institute; and

(b) generally supervise the administration and management of the affairs of the Institute and do all such acts and take all such steps as are necessary for the promotion and fulfillment of the objects and purposes of the Institute.

9. (1) Unless earlier removed by Government, the term of members, other than ex-officio members shall be three years.

(2) A member other than ex-officio member, may resign from his office by writing under his hand addressed to Government.

(3) Any person appointed on a casual vacancy in the office of ex-officio member shall hold office for the unexpired portion of the term of such vacancy.

(4) When a person is appointed to be a member of the Governing Body 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.

10. A person who is or has remained as Professor in the field of cardiovascular diseases or having experience of Management of Medical Sciences Institute shall be appointed as Executive Director by the Government for a period of four years, which may be extended for another term or terms, on such terms and conditions as the Government may determine.

11. (1) The Executive Director shall be the Secretary and Chief Executive Officer of the Institute and shall have the following functions and duties, namely :-

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

(ii) to appoint officers and staff upto grade 17 and superintend and control the administration of the Institution;

(iii) to authorize payments of monthly salaries and allowances to the employees of the Institute;

(iv) to propose budget estimates and supplementary budget estimates and place the same before the Governing Body for

approval;

Powers of the
Governing Body.

Term of office
of members.

Appointment of
Executive Director.

Administration of
the affairs of the
Institute.

(v) to pass payment of bills under any heads of the budget duly approved and authorized;

(vi) to issue notices of meetings of the Governing Body and its committees in consultation with the Chairperson and to maintain proper record of minutes and proceedings thereof;

(vii) to take steps for the implementation of decisions of Governing Body, committees and sub-committees;

(viii) to prepare and present the annual budget;

(ix) to carry on all the correspondence of the Institute;

(x) to execute deeds and documents on behalf of the Governing Body; and

(xi) _ to perform any other duties which may be assigned to him by the Governing Body.

(2) The Executive Director shall be the ex-officio member of a committee or sub-committee as set up by the Governing Body.

(3) The Executive Director shall not, except with the previous approval of the Governing Body in each case or unless already approved in the budget duly itemized, allow expenditure on equipment or automobiles and expenditure on development schemes;

12. (1) A person who is or has remained as Professor in the field of cardiovascular diseases or having experience of Management of Medical Sciences Institute shall be appointed as Director by the Governing Body for a period of four years, which may be extended for another term or terms, on such terms and conditions as the Governing Body may determine.

(2) The Director shall have the following functions and duties namely:-

(i) in the absence of the Executive Director, the Director shall act and exercise the powers of Executive Director;

(ii) to perform the functions and exercise the powers as may be assigned to him by the governing body and such powers as may be prescribed.

13. (1) The meetings of the Governing Body shall be convened by the Chairperson on such date and at such time and place as may be specified by him:

Provided that —

(i) not less than four meetings shall be held every year;

(ii) not less than eight days' notice shall be given to the members specifying the date, time and place of the meeting.

(2) The Governing Body may regulate by regulations the procedure for its meetings.

Appointment of
Director.

Meetings of

Governing Body.

the

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

14. The Governing Body may, from time to time, appoint such working groups or committees from amongst its members as it may consider necessary to assist it in the performance of its functions and to discharge such of its functions as it may assign to them.

15. (1) There shall be a Fund of the Institute consisting of -

(a) grants and subsidy received from the Federal, Provincial and Local Governments;

(b) donations, endowments and deposits;

(c) income from investment and deposits;

(d) foreign aid and loans obtained with the approval of Government.

(2) The funds of the Institute shall be deposited in any scheduled bank or any other bank approved by the Governing Body.

16. (1) The Executive Director shall prepare the annual budget of the Institute for the ensuing financial year and submit it for approval to the Governing Body.

(2) The funds of the Institute shall be kept in the personal ledger account of the Institute with the National Bank of Pakistan or any other bank approved by the Governing Body acting as agents of the State Bank of Pakistan.

(3) The Fund shall be invested in Government and other approved securities and the income accruing therefrom shall be used for the purposes of the Institute.

(4) The accounts of the Institute shall be maintained in such form and in such manner as the Accountant General of Sindh may determine in consultation with Government.

(5) 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 Institute in consultation with the Accountant General of Sindh.

17. The Institute shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date and in such form as may be specified by Government, a statement showing the estimated receipts and current expenditure and the sums to be required from Government during the next financial year.

18. The Institute shall cause proper accounts to be kept and shall after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Institute which shall include a balance sheet and an account of receipt and expenditure.

Setting up of

working groups and
committees.

Fund.

Audit and Accounts.

Budget and
Accounts.

Maintenance of
Accounts.

19. The Institute shall submit an annual report to Chief Minister in respect of any of its activities and furnish such information as and when required by Chief Minister.

20. (1) The Governing Body may appoint, subject to such general or special orders as Government may give from time to time, such officers in Grade 18 and above, and engage such consultants or experts, as it may consider necessary for the efficient performance of the functions of the Institute, on such terms and conditions as it may deem fit.

(2) The Governing Body may allow technical allowance or special pay to any employee in BPS-1 and above, consultant or expert, on the basis of his experience and skill, at the rate as it may determine.

21. The Institute may, with the approval of Government, cooperate with any foreign agency or International Organization for further development of its technical capabilities and research activities, pursuant to an international agreement or arrangement made before or after the establishment of the Institute.

CHAPTER-II

MISCELLANEOUS

22. The provisions of the Sindh Industrial Relations Act, 2013 shall not apply to, or in relation to the Institute or any of the officers or employees of the Institute.

23. All persons appointed for the Branches of the Institute as defined in sub-section (4) of section 4 and serving in connection with the affairs of the Institute, in any capacity immediately before the commencement of this Act, shall stand transferred for service under the Institute.

24. (1) The officers and staff employed in the Institute before the commencement of this Act shall be entitled to the same terms and conditions to which they were entitled immediately before such commencement and such terms and conditions shall not be varied to their disadvantage.

(2) The officers and staff employed by the Institute after the commencement of this Act shall be entitled to the same pay, allowances and other terms and conditions of service to which the officers and staff of Government of the corresponding grade may be entitled from time to time.

25. (1) On retirement from service an employee of the Institute shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of death of an employee of the institute, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

26. Private practice by officers of the Institute, who are qualified to practice medicine or surgery, shall be governed by regulations made under this Act.

Submission of
Reports.

Appointment of
officers etc.

International
cooperation.

Application of
Industrial Relations
Act,2013.

Terms and conditions
of service, etc. of the
employees of the
Branches of the
Institute.

Terms and
conditions of service
of the employees of
the Institute.

Pension and
Gratuity.

Medical practice by
officers.

27. Government may make rules for carrying out the purposes of this Act.

28. (1) The Governing Body may, with the previous approval of Government by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder as it may consider necessary or expedient for the administration and management of the affairs of the Institute.

(2) In particular and without prejudice to the generality of the fore-going power, such regulations may provide for —

(a) the uniform pay scales of all categories of employees of the Institute; and

(b) private practice by officers of the Institute who are qualified to practice medicine or surgery.

29. If any difficulty arises in first implementation of the provisions of this Act, Government may, on the recommendation of Chairperson or otherwise, give appropriate direction to remove such difficulty.

30. No Court shall have jurisdiction to entertain any proceeding, grant any injunction or make any order in relation to anything which is done or purported to have been done or intended to be done in good faith under this Act.

31. No suit or legal proceeding shall lie against Government, the Governing Body or any person in respect of anything which is done or purported to have been done or intended to be, or has been done in good faith under this Act.

BY ORDER OF THE SPEAKER

Rules.

Power to make
regulations.

Removal of
difficulties.

Bar of Jurisdiction.

Indemnity.

PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY

PROVINCIAL ASSEMBLY OF SINDH