

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 28th FEBRUARY, 2019

NO.PAS/LEGIS-B-05/2018- The Sindh Institute of Child Health and Neonatology Bill, 2018 having passed by the Provincial Assembly of Sindh on 28th January, 2019 and assented to by the Governor of Sindh on 22nd February, 2019 is hereby published as an Act of the Legislature of

Sindh.

THE SINDH INSTITUTE OF CHILD HEALTH AND NEONATOLOGY ACT, 2018

SINDH ACT NO. VII OF 2019

AN
ACT

to provide for the establishment of an Institute known as the Sindh Institute of Child Health and Neonatology at Karachi.

WHEREAS it is expedient to provide for the establishment of an Institute Preamble. known as the Sindh Institute of Child Health and Neonatology at Karachi, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: -

1.(1) This Act may be called the Sindh Institute of Child Health and Short title and Neonatology Act, 2018 commencement.

(2) It shall come into force at once.

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

a) "Academic Council" means the Academic Council of the Institute;

b) "Board" means the Board of Directors of the Institute;

c) "Chairperson" means the Chairperson of the Board;

d) "Executive Director" means the Executive Director of the Institute;

e) "Government" means the Government of Sindh;

f) "Institute" means the Sindh Institute of Child Health and Neonatology established under this Act;

g) "Joint Director" means the Director of the Institute;

h) "Member" means a member of the Board;

i) "prescribed" means prescribed by rules or regulations;

j) "regulations" means the regulations made under this Act;

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“rules” means the rules made under this Act;

“Selection Board” means the Selection Board of the Institute;

“Student” means student of the Institute; and

“Trainee” means the Postgraduate/Paramedic Trainee of the Institute.

An Institute to be called the Sindh Institute of Child Health and

Neonatology, Karachi shall be established at Karachi alongwith its branches all over Sindh in accordance with the provisions of this Act.

(2) The Institute shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, both moveable and immoveable, vesting in it and shall, by the name specified, sue and be sued.

(3) The Sindh Institute of Child Health and Neonatology Karachi shall ‘be an independent degree awarding institute.

(4) The Headquarters of the Institute shall be at Karachi

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

4. The functions of the Institute shall be as follows:-

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to undertake treatment and acquire latest physical facilities necessary for carrying out investigation and treatment of various diseases and injuries in the field of pediatrics and neonatology in the Institute and its branches;

to provide full technical support and supervision to other child established health care facilities established in various government health entities other than its branches;

to strive towards the development of molecular sciences and genetic research both for diagnostic, therapeutic and preventive purposes for all disorders affecting children;

(iv) to play the role of an over-arching body in consultation with Pediatric

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departments of all major teaching hospitals of Sindh, with National and International Pediatric Associations and all other relevant bodies;

to strive towards the reduction of infant mortality, to overcome problems of malnutrition, immunization, reducing deaths from communicable diseases such as diarrhea and pneumonia, reducing the burden of Non communicable diseases (NCD) in children and aim to achieve the goals of Sustainable Development Goals;

(vi) to develop methodology and standardize technique and protocols for

investigations and treatment of diseases or injuries in the field of pediatrics, neonatology and newborn screening;

Establishment of the
Institute.

Functions of the
Institute.

(vii) to provide the optimum, emergency, subsequent definite treatment and

rehabilitation for the needy people to such services in Karachi and referred from outskirts and satellite centers of the institute at other districts of the Sindh;

(viii) to undertake the teaching in the principle of pediatrics and

neonatology, with emphasis to transform skill and impart knowledge in new Innovations to Doctors, Nurses, Paramedical Technologists, Biomedical technologists and others;

to undertake postgraduate teaching programs such as FCPS., M.S., M.D., Ph.D., and other Diplomas, in the field of pediatrics and neonatology and all relevant fields, in collaboration with College of Physicians and Surgeons Pakistan and a University of Medical or Health Sciences recognized by the Higher Education Commission (HEC) or Pakistan Medical Dental Council (PMDC) criteria;

to hold examinations and to award and confer degrees, diplomas, certificate and other academic distinctions to and on the persons who have been admitted to and have passed its examinations under the prescribed conditions;

to undertake training of nursing and paramedical staff including technicians both graduates and postgraduates in the field of pediatrics and neonatology and relevant Emergency Medicine;

to carry out and promote research, surveys, experiments and demonstrations and develop data base registry to be used for improvement of services, preventive methodologies and future Planning in the field of pediatrics and neonatology;

(xiii) to publish research papers, studies and such other works as are

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completed at the Institute or are prepared in collaboration with any other similar institute or agency, local or foreign or which are otherwise of substantial value to the Institute;

to organize seminars, conferences CME workshops to transform Knowledge, skill of new innovations and to promote co-operation with national and international agencies, organizations, institutions, fellowship colleges and universities in activities falling within the purview of the Institute;

to undertake the steps for implementation of Sindh Newborn Screening Act and will develop a reference lab for purpose of this Act, providing advance testing facility for newborn screening and providing guideline to all relevant Institute dealing with newborns;

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

(xvii) 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;

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

(xix) to develop itself into a centre of super excellence for the treatment of pediatrics and neonatology;

(xx) to affiliate and dis-affiliate any institute or hospital on the terms and conditions as may be prescribed;

(xxi) to outsource any component of child health service on the recommendation of the Board; and

(xxii) to undertake all such activities or do such other acts and things as may be necessary to further the objectives of the Institute for improvement in Child Health in the Province of Sindh.

5. The Institute shall be open to all persons of either sex of whatever religion, race creed, caste, colour or domicile who are academically qualified for admission to the courses of study offered by the Institute and no person shall be denied the privilege on the ground only of sex, religion, race, creed, caste, colour or domicile.

Provided that the priority will be given to holders of domicile of Sindh.

6. (1) The Government may issue guidelines and principles with respect to admissions in the Institute.

(2) The Academic Council shall frame Admission Policy in consonance with such guidelines and principles.

7. (1) The Chief Minister of Sindh shall be the Patron of the Institute.

(2) The Patron may cause an inspection or inquiry to be made on his own motion in respect of any matter connected with the affairs of the Institute and shall, from time to time, direct any person or persons to inquire into or carry out inspection of -

(a) the Institute, its buildings, laboratories, libraries and other facilities;

(b) any institution, department or hostel maintained by the institute;

(c) the adequacy of financial and human resources of the Institute;

(d) the teaching, research, curriculum, and other academic matters of the Institute; and

(e) such other matters as may be specified by him related to the Institute.

(3) The Patron shall, on receipt of report under sub-section (2), communicate to the Board his views with regard to the result of visitation and shall, after

Institute open
to all.

Admission Policy.

Patron.

ascertaining the views of the Board, advise the Board on the action to be taken by it.

(4) The Board shall, within such time as may specified by the Patron, communicate to him such action, if any, as has been taken or may be proposed to be taken upon the result of the visitation.

(5) Where the Board does not, within the time specified, take action or the action taken is not to the satisfaction of the Patron, the Patron may issue such directions as he deem fit and the Chairperson shall comply with such directions.

8. (1) The general direction and administration of the institute and its affairs shall Administration of the vest in the Board, which may exercise all powers and do all acts and things which affairs of the may be exercised or done by the Institute. Institute.

(2) The Board shall consisting of the following:-

- (i) Minister Health. Chairperson
- (ii) ~~ Secretary Health. Member
- (iii) Secretary, Finance Department, Sindh Member
- (iv) Four members including one nominee of Members

Pakistan Pediatric Association and other three with background in finance/audit, law or paediatrics nominated by Chief Minister Sindh, and two members from the Provincial Assembly of Sindh, one from Treasury and one from opposition benches nominated by the Speaker, Provincial Assembly of Sindh.

(v) _ President, Welfare Society supporting patients Member at the Institute.

(vi) | Executive Director Member / Secretary

(3) The Board may associate such other experts, as it may consider necessary.

(4) A Member other than ex-officio Member may resign his office in writing under his hand addressed to Chairperson of the Board and thereupon he shall cease to hold office.

(5) A Member other than ex-officio Member, shall cease to hold office if he does not attend three consecutive meetings of the Board without any valid reason.

(6) Unless a Member ceases to hold office, the term of office of member, other than ex-officio member, shall be three years.

(7) Where a person is appointed to be a member by virtue of holding an office, he shall cease to be such member when he ceases to hold that office.

(8) In case of absence of Chairperson, the Secretary Health will preside over the meeting(s) of the Board.

9. (1) The Board shall, subject to the provisions of this Act, rules and regulations, exercise administrative and financial powers in respect of the Institute as may be necessary for its proper and efficient functioning.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Board shall have the powers -

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to hold, control and administer the property, funds and resources of the Institute and borrow or raise money for the purpose of the Institute;

to exercise supervision and over all control over the Institute and its branches in Province of Sindh;

to consider and approve the annual research programs, annual reports and audit statements of account of the Institute and submit to Government for approval and further guidelines;

to create, suspend or abolish such posts of teaching and non-teaching staff of the Institute as may be necessary according to rules and requirements duly approved by Government;

to appoint and prescribe terms and conditions of the services of the teaching and non-teaching staff of the institute with due approval of Government;

to institute professorships, associate professorships, assistant professorships, senior registrarships and lectureships and any other posts according to rules or regulations of Pakistan Medical and Dental Council;

to consider and approve annual and revised budget estimates and to

re-appropriate funds from one major head of expenditure to another and to appoint auditors and submit to Government;

to cause proper books of accounts to be kept for all sums of money received and expenditure by the Institute and for assets and liabilities of the Institute as determined by Accountant General Sindh and in consultation with Government;

to lay down its own rules of procedure with approval of Government;

to formulate special pay to those professionals working in the Institute and opt for not practicing privately as prescribed by the board.

to appoint committees or sub-committees as deemed fit for carrying out the purpose of this Act;

to delegate any of its powers to the Executive Director, excepting the approval of budgetary estimates.

10. In discharging of its functions and duties, the Board shall be guided on questions of policy by the instruction, if any, given to it from time to time by Government which shall be the sole judge and whether a question is a policy and the Board shall be bound to carry out such directions.

Powers and functions
of the Board.

Government
Guidelines.

11. (1) The Board shall meet at least four times in a year with a gap of at least three months on the dates to be fixed by the Executive Director in consultation with the Chairperson; provided that the Chairperson may convene a meeting at any time.

(2) The Chairperson shall preside over the meeting.

(3) In the absence of the Chairperson, the meeting may be presided over by the Secretary Health and in the absence of both, by the Member appointed by the Members present in the meeting.

(4) The quorum for a meeting shall be half of the total number of Members, a fraction being counted as one, but no quorum shall be necessary for the meeting held in lieu of the meeting which was adjourned for want of quorum.

(5) The Chairperson shall have and exercise a casting vote in the case of a tie.

(6) The Executive Director being the Secretary of the Board shall record the minutes of meeting, which shall be submitted by circulation for confirmation.

12. The Executive Director to be appointed by Government on the prescribed terms and conditions shall possess prescribed Postgraduate Higher Qualification from a University or College of Physician and Surgeon, established by law in Pakistan or University or College of International repute and shall have the experience in the field of pediatrics and neonatology with additional experience in the management of reputed health institute:

Provided that the Professor of Pediatrics holding office of the Director National Institute of Child Health (NICH) Karachi, immediately before the commencement of this Act shall be the first Executive Director, and will continue to hold the post of Executive Director of Institute till new Executive Director is appointed by the Government.

13. (1) The Executive Director shall be the executive and academic head of the Institute and shall manage the affairs of the Institute in accordance with the provisions of this Act, rules and regulations, and shall have the following powers and functions:-

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

(ii) to authorize payments of monthly salaries and allowances to the employees or the persons working in the Institute;

(iii) to be responsible for Academic and Research activities of the Institute aimed at providing medical care and to ensure that the provisions of this Act, rules and regulations are faithfully observed;

(iv) to sanction or re-appropriate an amount not exceeding ten lacs (one million) during the fiscal year for an unseen item not provided for in the budget and submit report to the next meeting of the Board;

(v) to prepare budget estimates and supplementary budget estimates and place the same before the Board for approval and subsequently

Meetings of the
Board.

Executive Director of
the Institute.

Powers and duties of
the Executive
Director.

its submission to Government;

(vi) to pass payment of bills, under any head of the budget duly approved and authorized;

(vii) to act as Secretary of the Board and issue notices of meeting of the Board and its committees in consultation with the Chairperson and to prepare and maintain minutes and record and proceedings of the meeting;

(viii) to take steps for the implementation of decisions of the Board and report to Board decision wise;

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

(x) to create and fill temporary teaching and non-teaching posts for a period not exceeding six months and report to the Board with reasons and justifications;

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

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

(2) The Executive Director shall not, except with the previous approval of the Board in each case or unless already approved in the budget duly item-wise, allow expenditure on items of major civil works, or capital expenditures on equipment or automobiles.

(3) The Executive Director shall be ex-officio member of a committee or sub-committee set up by the Board and shall preside over meetings of such committees.

(4) If the Executive Director is satisfied that any proceeding of the Selection Board or the Academic Council are not in accordance with the provisions of this Act, he may report the matter to the Board whose decision shall be final.

(5) The Executive Director may delegate such of his powers not being the powers delegated to him to any officer or committee of the Institute subject to such conditions as he deems fit.

(6) The Executive Director may, in an emergency, which in his opinion, requires immediate action, take such action as deemed necessary and shall, as soon hereafter possible, report his action to the Board.

14. (1) The Joint Director to be appointed by Government on the prescribed terms and conditions, shall possess prescribed Postgraduate Higher Qualification from a University or College of Physician and Surgeon, established by law in Pakistan or University or College of international repute and shall have the experience in the field of pediatrics and neonatology with additional experience in the management of reputed health institute.

(2) He shall look after the affairs of Satellite Centers or branches of the Institute and shall perform such other duties as may be assigned to him by the Executive Director or Board.

Joint Director of the
Institute.

15. (1) The Institute shall have an Academic Council which shall perform such functions as may be assigned to it by the Board under this Act, rules or regulations.

(2) The Academic Council shall consist of the Executive Director who shall be the Chairperson and all Professors and Associate Professors of the Institute.

(3) The Academic Council may associate such other experts in the field of pediatrics and neonatology and Emergency Medicine, as it may consider necessary.

(4) The meetings of the Academic Council shall be held as frequently as possible, but not less than six times a year.

(5) The quorum of a meeting shall be one-half of the total number of the members of the Academic Council, a fraction being counted as one.

(6) The Academic Council shall be responsible for all academic, research activities and update curriculum, induction policies for trainees and students and evaluate their progress.

(7) The Academic Council shall nominate an "Research Ethics Committee", that to assure appropriate steps taken to protect the rights, ethical issues and welfare of human, participating as subjects in a research study at the institute.

(8) The institute shall follow all the ethical recommendations, recommended by Pakistan Medical Research Council from time to time.

16. (1) The Institute may for efficient performance of its functions appoint such officers and staff possessing such professional, technical or ministerial qualifications and experience in such manner and on such terms and conditions as may be prescribed by rules

(2) The Institution may hire the services of a legal firm to look after all the legal matters pertaining to the Institute or its centers or branches.

17. (1) There shall be a Selection Board consisting of the Executive Director and such other members as the Board may appoint with the approval of Patron.

(2) The Executive Director shall be the Chairperson of the Selection Board.

(3) The quorum for a meeting of the Selection Board shall not be less than two-third of its members.

(4) A member of the Selection Board, other than ex-officio member, shall hold office for two years.

(5) No member of the Selection Board who is also a candidate for the post to which appointment is to be made shall take part in such proceeding of election Board.

18. (1) There shall be a non-lapsable separate fund of the Institute known as the Sindh Institute of Child Health and Neonatology, Karachi Fund.

(2) The Fund shall consist of -

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

Academic Council.

Appointments and
terms and conditions
of officers and staff
of the Institute.

Selection Board.

Fund of the Institute.

Governments;

(i) donations, endowments and deposits;

(C) income from investment and deposits;

(d) loans raised or aid obtained by the Institute;

(€) fees, royalties on publications of the Institute and other charges for services rendered by the Institute; and

(f) all money received from any donor agency of Pakistan or foreign origin.

19. The amounts credited in the Fund shall be deposited in any Scheduled Bank approved by the Board.

20. The Board may invest its Fund in any security of the Federal Government or Provincial Government or any other security approved by Government.

21. (1) The Board shall cause the accounts of Institute to be maintained properly in respect of each financial year in such a form and manner as may be prescribed or in such manner as may be specified by Government, showing the estimated receipt and current expenditure and the sums to be required from Government during next financial year.

(2) The accounts of the Institute shall be audited once a year by one or more Auditors who are Chartered Accountants within the meaning of the Chartered Accountants Ordinance, 1960 (X of 1961) appointed by the Board or the accounts shall be audited by the Auditor to be appointed by the Institute in consultation with the Accountant General of Sindh.

(3) The annual statement of the accounts and audit report thereon shall be submitted by the Auditor for consideration of the Board for such action as deemed necessary.

22. The Executive Director shall submit, with the approval of Board, to Government, such periodical returns, annual, accounts statements and statistics or information as may be required by Government.

23. The Institute may, with the approval of Government cooperate with any foreign agency, International Organization or National Organization or philanthropist for further development of its technical capabilities, treatment facility and research activities, pursuant to an international agreement or arrangement made before or after the establishment of the institute, Government will be the co signatory alongwith Institute.

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

25. 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.

Crediting of the funds.

Investment and
utilization of the Funds

Maintenance of
accounts and audit of
accounts.

Annual reports,
annual accounts and
periodical returns.

International
Cooperation.

Removal of
difficulties.

Bar of Jurisdiction.

26. No suit or legal proceeding shall lie against Government, the Board 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.

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

28. Subject to approval of Government, the Board may, by notification in the official gazette, make regulations not inconsistent with the provisions of this Act for carrying out purposes of this Act.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

Indemnity.

Power to make
Rules.

Power to make
regulations.