

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 14th FEBRUARY, 2019

NO.PAS/LEGIS-B-03/2018-The Shaheed Mohtarma Benazir Bhutto Institute of Trauma at Karachi Bill, 2018 having been passed by the Provincial Assembly of Sindh on 14th January, 2019 and assented to by the Governor of Sindh on 08th February, 2019 is hereby published as an Act of the Legislature of Sindh.

THE SHAHEED MOHTARMA BENAZIR BHUTTO
INSTITUTE OF TRAUMA AT KARACHI ACT, 2018

SINDH ACT NO. II OF 2019

AN
ACT

to provide for the establishment of an Institute known as the Shaheed Mohtarma Benazir Bhutto Institute of Trauma at Karachi.

WHEREAS it is expedient to provide for the establishment of an Institute known as the Shaheed Mohtarma Benazir Bhutto Institute of Trauma at Karachi, and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: -

1.(1) This Act may be called the Shaheed Mohtarma Benazir Bhutto Institute of Trauma at Karachi Act, 2018.

(2) It shall come into force at once.

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

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“Academic Council” means the Academic Council of the Institute;

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

“Chairperson” means the Chairperson of the Board;

“Executive Director” means the Executive Director of the Institute;

“Government” means the Government of Sindh;

“Institute” means Shaheed Mohtarma Benazir Bhutto Institute of Trauma at Karachi;

“Member” means a member of the Board;

“prescribed” means prescribed by rules or regulations;

“rules and regulations” means rules and regulations, respectively made under this Act;

Preamble.

Short title and commencement.

Definitions.

- (x) "Selection Board" means the Selection Board of the Institute;
- (xi) "student" means student of the institute; and
- (xii) "Vice-Chairperson" means Vice-Chairperson of the Board.

3. (1) An Institute to be called Shaheed Mohtarma Benazir Bhutto Institute of Trauma at Karachi, shall be established by reconstituting and re-organizing the Shaheed Benazir Bhutto Trauma Centre, Civil Hospital, Karachi.

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

(3) The Institute shall be an independent degree awarding Institute.

4.(1) All properties, rights and interest of whatever kind used, enjoyed, possessed, owned or vested in, or held in trust by the Shaheed Mohtarma Benazir Bhutto Institute of Trauma, Civil Hospital, Karachi and all liabilities legally subsisting against it shall stand transferred to the Institute.

(2) All persons serving in any capacity in the Shaheed Benazir Bhutto Trauma Centre, Civil Hospital, Karachi, immediately before the commencement of this Act, shall, if they opt to serve in the Institute, notwithstanding any law or terms and conditions of their service, stand transferred for service to the Institute.

(3) The option under sub-section (2) shall be exercised and submitted to the Health Department, Government of Sindh, within ninety days of the commencement of this Act and the option so exercised shall be final.

(4) All persons serving in the Shaheed Benazir Bhutto Trauma Centre, Civil Hospital, Karachi referred to in sub-section (2) shall —

(i) be entitled to receive from the Institute for the period of their services under the Institute, pay and allowances which shall not be less than those admissible to them immediately before their transfer to the Institute; and

(ii) be governed by such regulations as the Institute may make; provided that such regulations shall not be less favourable than the rules applicable to them immediately before their transfer to the Institute.

(5) The Institute shall, in respect of the persons transferred under sub-section (2) —

(i) exercise all such administrative and financial powers as were exercisable by Government or and authority subordinate to it;

(ii) initiate disciplinary proceedings against any such person who is an employee of Health Department to the Competent

Establishment of the
Institute.

Property and
persons.

Authority and in case of employee of Trauma Center to the Executive Director for further action.

(6) The persons transferred under sub-section (2) shall be entitled to receive from Government their entire services, including the service under the Institute, pension and amount of commutation of pension in accordance with the rules applicable to them.

(7) The General Provident Fund accumulations of the persons transferred under sub-section (2) shall continue to contribute towards their Provident Fund account:

Provided that temporary advances from such Fund may be sanctioned by the Institute in accordance with the rules applicable to them.

5. 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 Orthopaedic Surgery, Neurosurgery, Traumatology, Vascular Surgery and Rehabilitation;

to develop methodology and standardize technique for the investigation and treatment of various diseases or injuries in the field of Orthopaedic Surgery, Neurosurgery, Traumatology, Vascular Surgery and Rehabilitation;

to provide the optimum, emergency, subsequent definite treatment and post-trauma rehabilitation to the accident injured victims, triaged from accident site and referred from Karachi, outskirts, satellite trauma centre of the Institute at other districts of the Province of Sindh;

to administer and control all trauma centres established by Government throughout the Province of Sindh;

to undertake teaching in the principles of Orthopaedic surgery, Neurosurgery, Traumatology, Vascular Surgery and Rehabilitation, with emphasis to transfer skill and impart knowledge in view of innovations to doctors, nurses, paramedical technologists, biomedical technologists and others;

to undertake postgraduate teaching programmes such as FCPS, M.S., M.D., Ph.D, and other Diploma in the field of Orthopaedic Surgery, Neurosurgery, Traumatology, Vascular Surgery, Rehabilitation and Emergency Medicines, in collaboration with the College of Physicians and Surgeons Pakistan or University of Medical or Health Sciences recognized by the Higher Education Commission or Pakistan Medical Dental Council;

(vii) to hold examinations and to award and confer degrees, diplomas,

certificate and other academic distinctions to the persons who have been admitted to and have passed its examinations under the

Functions of the
Institute.

prescribed conditions;

(viii) to undertake training of nursing and paramedical staff including technicians both graduate and postgraduate in the field of Orthopaedic Surgery, Neurosurgery, Traumatology, Vascular Surgery, Rehabilitation and Emergency Medicine;

(ix) to carry out and promote research, surveys, experiments and demonstrations and to develop data base registry to be used for improvement of services, preventive methodologies and future planning in the field of Orthopaedic Surgery, Neurosurgery, Traumatology, Vascular Surgery, Emergency Medicines and Rehabilitation;

(x) _ to publish research papers, studies and such other works as are 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;

(xi) to organize seminars and conferences, workshops to transform knowledge, skill of new innovations and to promote co-operation with national and international agencies, organization, intuitions, fellowship colleges and universities in activities falling within the purview of the Institute; and

(xi1) to undertake all such activities or do such other acts and things as may be necessary to further the objectives of the Institute.

6. 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 on merit 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.

7. (1) The Board 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.

8. (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;

Institute open
to all.

Admission Policy.

Patron.

(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 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.

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

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

(i) Minister Health Chairperson

(ii) Vice
Chairperson

(iii) Secretary, Health Department, Government of Member
Sindh.

(iv) Four private members nominated by Chief Members
Minister belonging to the field of medical
sciences, social sciences, philanthropy, law,
business community and financial
management.

(v) Vice Chancellor of Dow University of Health Member
Sciences.

(vi) Secretary, Finance Department. Member

(vii) Medical Superintendent, Dr. Ruth KM Pfau Member
Civil Hospital Karachi.

(viii) Executive Director of the Institute Member/

Secretary

(3) The members of the Board will nominate the Vice Chairperson by voting and he will be the non-official member of the Board.

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

Administration of the
affairs of the Institute.

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

(6) 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.

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

(8) When 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.

10. (1) The Board shall, subject to the provisions of this Act and rules or 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 forgoing provisions, the Board shall have the powers —

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

(ii) to exercise supervision and over all control over the Institute ;

(iii) to consider and approve annual research program, annual reports and audit statements of account of the Institute and submit the same to Government for approval and further Guidelines, the Government should approve the same within a period of three months, and if not returned approved within stipulated time, the same will be considered as approved;

(iv) to create, suspend or abolish such posts of teaching and non teaching staff of the Institute as may be necessary according to rules;

(v) to appoint and prescribe terms and conditions of the services of the teaching and non-teaching staff of the institute;

(vi) to institute professorships, associate professorships, assistant professorships, senior registrarship and lectureships and any other posts in accordance with the serviced method prescribed by the Pakistan Medical and Dental Council;

(vii) 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 the same to Government;

Powers and Functions
of the Board.

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

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

(x) to formulate special pay and allowances for those professionals working in the Institute and opt for not practicing privately as determined by the Board;

(xi) to lay down and frame its own rules and regulations with the approval of the Government;"

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

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

11. (1) In discharging of its functions and duties, the Board shall be guided by the policy in the light of any instructions given to it from time to time by the government;

(2) The Chairperson 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.

12. (1) The Board shall meet at least quarterly 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 Vice-Chairperson and in the absence of both, by the member appointed by the members present.

(4) The quorum for a meeting shall be one third 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 him at the next meeting for confirmation.

13. The Executive Director to be appointed by Government on the prescribed terms and conditions, shall possess qualification of postgraduate or higher qualification from a University or College of Physicians and Surgeons,

Government
Guidelines.

Meetings of the
Board.

Executive Director of
the Institute.

established under a law in Pakistan or University or College of International repute and shall have experience in the field of orthopaedics, trauma surgery, neurosurgery, vascular surgery or emergency medicine and additional experience of management of reputed health institution.

Provided that till such time, the Executive Director is appointed by the government, the existing management of the institute will continue to perform its functions.

14. (1) The Executive Director shall be the academic and executive 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 undertake and authorize payment 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 shall ensure that the provisions of the Act, rules and regulations are faithfully observed;
- (iv) to sanction or re-appropriate an amount not exceeding ten lacs (one million rupees) during the fiscal year for an unseen item not provided in the budget and submit report to the Board in this behalf in its next meeting;
- (v) to prepare budget estimates and supplementary budget estimates and place the same before the Board for approval and subsequently 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 submit report thereof to Government;
- 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 as per rules;
- 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.

Powers of Executive
Director.

(2) The Executive Director shall not except with the previous approval of the Board in each case or unless already approved in the budget, allow expenditure on items of major civil works, capital expenditures 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, all decisions taken by the Committee will be sent to the Board for the purpose of necessary ratification.

(5) The 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.

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 related to health sciences as it may consider necessary.

(4) The meetings of the Academic Council shall be held as frequently as possible, but not less than four 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 look after all academic, research activities and update the curriculum, instruction, policies for trainees and students, and evaluate its progress.

(7) The Academic Council shall appoint a Research Ethics Committee to assure the 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 Board may engage such consultant or experts as it consider necessary for efficient performance of the functions of the Institute as per rules.

Academic Council.

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

17. (1) There shall be a Selection Board consisting of the Executive Director and such other members as the Board may appoint and one member from the main Board will be the part of the Selection Board.

(2) The Executive Director shall be the Chairperson of the Selection Board which shall select the persons for appointment to the posts of senior medical and technical posts including the posts of technicians, nurses, paramedical and such other ministerial staff.

(3) The quorum for a meeting of the Selection Board shall be not 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 Selection Board.

18. (1) There shall be a non-lapsable separate fund of the Institute known as the Shaheed Mohtarma Benazir Bhutto Institute of Trauma Fund.

(2) The Fund shall consist of -

- (a) single line annual grant received from Government;
- (b) grants and subsidy received from the Federal Government, other Provincial Governments and Local Governments;
- (c) donations endowments and deposits;
- (d) income from investment and deposits;
- (e) loans raised or aid obtained by the Institute;
- (f) fees, royalties on publications of the Institute and other

charges for services rendered by the Institute;

(g) all moneys 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

Selection Board.

Fund.

Crediting of the
funds.

Investment and
utilization of the
Funds.

Maintenance of

accounts and audit of
accounts.

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 Chairperson 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.

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.

Annual Reports,
Annual Accounts and
Periodical Returns.

International
Cooperation.

Removal of difficulties

Bar of Jurisdiction

Indemnity

Power to make rules.

Power to make
regulations.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ

SECRETARY

PROVINCIAL ASSEMBLY OF SINDH