

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

KARACHI, THE 15" JULY, 2020

NO.PAS/LEGIS-B-30/2019-The Sir Cowasjee Jahangir Institute of Psychiatry and Behavioral Sciences, Hyderabad Bill, 2019 having been passed by the Provincial Assembly of Sindh on 15" June, 2020 and assented to by the Governor of Sindh on 07" July, 2020 is

hereby published as an Act of the Legislature of Sindh.

THE SIR COWASJEE JAHANGIR INSTITUTE OF PSYCHIATRY AND

BEHAVIORAL SCIENCES, HYDERABAD ACT, 2019

SINDH ACT NO. VIII OF 2020

AN  
ACT

to provide for the establishment of an Institute known as the Sir Cowasjee Jahangir Institute of Psychiatry and Behavioral Sciences at Hyderabad.

WHEREAS it is expedient to provide for the establishment to provide for the establishment of an Institute known as the Sir Cowasjee Jahangir Institute of Psychiatry and Behavioral Sciences at Hyderabad, and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: -

1.(1) This Act may be called the Sir Cowasjee Jahangir Institute of Psychiatry and Behavioral Sciences, Hyderabad, Act, 2019.

(2) It shall come in force at once.

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

(i) | “Academic Council” means the Academic Council of the Institute;

(ii) “Board” means the Board of Governors of the Institute;

(iii) “Chairperson” means the Chairperson of the Board;

(iv) “Chief Executive Officer” means the Chief Executive Officer of the Institute;

(v) “Chief Minister” means the Chief Minister of Sindh;

(vi) “Department” means the Health Department;

(vii) “Government” means the Government of Sindh;

(viii) “Institute” means Sir Cowasjee Jahangir Institute of

Preamble.

Short title and  
commencement.

Definitions.

Psychiatry and Behavioral Sciences at Hyderabad;

(ix) "Member" means a member of the Board;

(x) "prescribed" means prescribed by rules or regulations;

(xi) "rules and regulations" means rules and regulations, respectively made under this Act;

(xii) "Selection Board" means the Selection Board of the Institute; and

(xiii) "student" means student of the Institute.

3. (1) An Institute to be called the Sir Cowasjee Jahangir Institute of Establishment of the Psychiatry and Behavioral Sciences at Hyderabad, shall be established Institute.

by reconstituting and re-organizing the Mental Hospital Asylum Place

for Mentally-ill Patients donated by Sir Cowasjee Jahangir at Gidoo

Bandar, Hyderabad.

(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 immoveable, vesting in it and shall, by the name specified, sue and be sued.

(3) The Institute shall be affiliated with the LUHMS, Jamshoro and University of Sindh, Jamshoro and will be an independent hub for awarding degree/diploma/certificate and training of medics and paramedics in the field of Psychiatry, Psychology and allied behavioral sciences.

4.(1) All properties, rights and interest of whatever kind used, Property and enjoyed, possessed, owned or vested in, or held in trust by the Mental persons. Hospital Asylum Place for Mentally-ill Patients donated by Sir

Cowasjee Jahangir at Gidoo Bandar, Hyderabad, and all liabilities

legally subsisting against it shall stand transferred to the Institute.

(2) All persons serving in any capacity in the Mental Hospital Asylum Place for Mentally-ill Patients donated by Sir Cowasjee Jahangir at Gidoo Bandar, Hyderabad, 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 Mental Hospital Asylum Place for Mentally-ill Patients donated by Sir Cowasjee Jahangir at Gidoo



Bandar, Hyderabad 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 any authority subordinate to it;
- (ii) initiate disciplinary proceedings against any such person and refer the case of such person to Health Department 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:-

(i) to undertake treatment and acquire latest physical facilities necessary for carrying out investigation and treatment of

mental disorders;

(ii) to develop methodology and standardize technique for the investigation and treatment of various mental disorders;

(iii) to manage mentally ill persons in terms of physical health and hygiene;

(iv) to provide treatment and rehabilitation to drug addicts;

Functions of the  
Institute.

(v) to establish community outreach program and to establish digital Mental Health Services throughout the Province of Sindh

(vi) to undertake teaching programmes in the the field of Psychiatry, Behavioral Sciences, Clinical Psychology and Rehabilitation, with emphasis to transform skill and impart knowledge in view of innovations to doctors, nurses, paramedical social workers, occupational therapist and others in collaboration with the College of Physicians and Surgeons Pakistan or University of Medical or Health Sciences recognized by the Higher Education Commission;

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

(viii) to undertake training of medics, nursing and paramedical staff including technicians for diploma, certificate, graduate and postgraduate studies in the field of Psychiatry, Psychology, Social Work, Occupational Therapy and other disciplines;

(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 Psychiatry, Psychology, Social Work, Occupational Therapy and other disciplines;

(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, institutions, fellowship colleges and universities in activities falling within the purview of the Institute; and

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

6. The Institute shall be open to all persons of either sex of Institute open whatever religion, race creed, caste, colour and residents of Sindh to all.

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 or colour.

7. (1) Health Department 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 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 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 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 be 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 deems 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 which may be exercised or done by the Institute.

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

(i) Minister, Advisor or Special Assistant, Chairperson Health or any other person nominated by

Admission Policy.

Patron.

Administration of  
the affairs of the  
Institute.

the Chief Minister.

(ii) | Chairman, Sindh Mental Health Authority. Vice Chairperson

(iii) Two Members of Provincial Assembly Members (MPAs) to be nominated by the Speaker, Provincial Assembly of Sindh of which one, at-least, shall be a female.

(iv) Divisional Commissioner, Hyderabad. Member

(v) Vice-Chancellor of the Liaquat University Member of Medical and Health Sciences.

(vi) Vice Chancellor, University of Sindh, Member Jamshoro.

(vii) Director General Health, Government of Member Sindh, Hyderabad.

(viii) An eminent Psychiatrist, LUMHS Alumni Member working abroad, to be nominated by the Chief Minister.

(ix) Three private members to be nominated by Members the Chief Minister preferably from the field of Medical Sciences, Social Sciences, Business Community and \_ Financial Management.

(x) | Chief Executive Officer of the Institute 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 addressed to 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) 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 Powers and

or regulations made hereunder exercise administrative and financial powers in respect of the Institute as may be necessary for its proper and Board. efficient functioning.

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

(i)

(ai)

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

Provided that the Board shall not sell, mutate, alienate and create any charge on the existing property of twenty seven (27) acres and thirty (30) ghuntas in the name of the Mental Hospital Asylum Place for Mentally-ill Patients donated by Sir Cowasjee Jahangir at Gidoo Bandar, Hyderabad and no commercial or residential activity shall take place.

to exercise supervision and over all control over the Institute ;

(iii) to consider and approve annual research programme,

(iv)

(v)

(vi)

(vii)

annual reports and audit statements of account of the Institute;

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

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

to institute professorships, associate professorships, assistant professorships, senior registrarship and lectureships and any other posts in accordance with the guidelines prescribed by the Health Department;

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;

(viii) to cause proper books of accounts to be kept for all sums of

(ix)

(x)

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;

to lay down its own rules of procedure;

to carryout functions and \_ prescribed by \_ the

Functions of the

Government.

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

(xii) to delegate any of its powers to the Chief Executive Officer, except the approval of budgetary estimates.

11. (1) 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 or Health Department and the Board shall be bound to carry out such instructions.

(2) The Chairperson may, in an emergency, which in its opinion, requires immediate action, take such action as deemed necessary and shall, as soon hereafter possible, report the 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 Chief Executive Officer in consultation with the Chairperson:

Provided that the Chairperson may convene a meeting at any time.

(2) The Chairperson shall preside over the meeting and in the absence of the Chairperson, the meeting shall be presided over by the Vice-Chairperson and in the absence of both, by the member appointed by the members present in the meeting.

(3) The quorum for a meeting shall be one-third of the total number of members, a fraction being counted as one.

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

(5) The Chief Executive Officer 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. (1) The Chief Executive Officer of the Institute shall be eminent academic or a distinguished Medical Professional to be appointed by the Chief Minister, for a period of four years, which may be extended for one more term on such terms and conditions as the Chief Minister may determine:

Provided that the Medical Superintendent of the Mental Hospital Asylum Place for Mentally-ill Patients donated by Sir Cowasjee Jahangir at Gidoo Bandar, Hyderabad shall be the First Chief Executive Officer of the Institute who will continue to work for six (6) months till the proper appointment of Chief Executive Officer by the

Government  
guidelines.

Meetings of the

Board.

Chief Executive  
Officer of the  
Institute.

Chief Minister through Search Committee, as per the procedure adopted for the appointment of Vice-Chancellors.

(2) The professional and academic qualifications, experience and age for the post of Chief Executive Officer shall be such as may be determined under the rules.

(3) The Chief Minister shall, in case of allegation of gross misconduct, inefficiency, corruption, violation of budgetary provision, moral turpitude, maladministration and mismanagement, remove the Chief Executive Officer, on the basis of substantiated findings of an enquiry committee after giving him an opportunity of show cause against such removal.

(4) The Chief Executive Officer may avail leave with the permission of the Chief Minister or any other authority duly authorized by the Chief Minister in this behalf.

14. (1) The Chief Executive Officer 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 this Act, rules and regulations are faithfully observed;

(iv) to sanction or re-appropriate an amount as prescribed under the rules 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 for approval;

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

(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 the Health Department;

Powers of Chief  
Executive Officer.

- (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;
- (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 Chief Executive Officer 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 civil works, capital expenditures equipment or automobiles.

(3) The Chief Executive Officer shall be ex-officio member of a committee or sub-committee set up by the Board.

(4) If the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer who shall be the Chairperson and such as approved by the Board.

(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 ensure the appropriate steps taken to protect the rights, ethical issues and welfare of human, participating as subjects in a research study at the institute.

Academic Council.

(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 considers necessary for efficient performance of the functions of the Institute.

17. (1) There shall be a Selection Board consisting of the Chairperson or in Chairperson's absence any person nominated by the Board.

(2) The Selection Board 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 separate fund of the Institute known as the Sir Cowasjee Jahangir Institute of Psychiatry and Behavioral Sciences Fund which shall be non-lapsable Fund except the single line annual grants by Government which shall form part of the Fund and shall be lapsable.

(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 as approved by the Government;

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

Selection Board.

Fund.

(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.

(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 Chief Executive Officer shall submit, with the approval of Board, to Health Department, such periodical returns, annual, accounts statements and statistics or information as may be required by the Health Department.

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 along with 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.

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  
rules.

Power to  
regulations.

make

make