

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 28TH SEPTEMBER, 2020

NO.PAS/LEGIS-B-17/2020- The Sindh Seized and Freezed Facilities (Hospitals and Dispensaries) Bill, 2020 having been passed by the Provincial Assembly of Sindh on 21st August, 2020 and assented to by the Governor of Sindh on 17th September, 2020 is hereby published as an Act of the

Legislature of Sindh.

THE SINDH SEIZED AND FREEZED FACILITIES
(HOSPITALS AND DISPENSARIES) ACT, 2020

SINDH ACT NO. XXVI OF 2020

AN
ACT

to provide for the establishment of the Hospitals and Dispensaries Management Board in the Province of Sindh to manage the seized and freezed Facilities and to ensure mainstreaming of employees of such Facilities.

WHEREAS it is expedient to provide for the establishment of the Hospitals and Dispensaries Management Board in the Province of Sindh to manage the seized and freezed Facilities and to ensure mainstreaming of employees of such Facilities, and to provide for the matters connected therewith and ancillary thereto.

It is hereby enacted as follows:-

1. (1) This Act may be called as the Sindh Seized and Freezed Facilities (Hospitals and Dispensaries) Act, 2020.

(2) It shall extend to the whole of the Province of Sindh and shall apply to such Facilities as may be notified by Government.

(3) It shall come into force from such date as the Government may, by notification in the official Gazette, specify.

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

(a) "Board" means the Board constituted under section 3;

(b) "Chairperson" means the Chairperson of the Board;

(c) "Committee" means a Committee constituted by the Board under this Act;

(d) "Executive Director" means the Executive Director appointed under this Act;

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

Short title,
extent and
commencement.

Definitions.

(f) "Facilities" means the hospitals, dispensaries, and ambulances frozen and seized under section 2 of the United Nations (Security Council) Act 1948 (XIV of 1948) read with the United Nations Security Council (Freezing and Seizure) Order 2019, published in the Gazette of Pakistan on 4th March 2019, and any other Facility notified by Government under this Act and includes an establishment, a property or an organization attached thereto;

(g) "member" means a member of the Board;

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

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

G) "rules" means the rules made under this Act;

(k) "seizing agency" means a seizing agency notified under section 2 of the United Nations (Security Council) Act 1948 (XIV of 1948) read with the United Nations Security Council (Freezing and Seizure) Order 2019, published in the Gazette of Pakistan on 4 March 2019.

3. (1) For the efficient management and control of the Facilities, Government shall, by notification in the official Gazette, constitute a Board to be known as the Hospitals and Dispensaries Management Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power to enter into contracts and to acquire, hold and dispose of property, both movable and immovable, and shall in its name sue and be sued.

(3) The headquarters of the Board shall be at Karachi and it may establish offices(s) at such places or places as it may consider necessary.

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

(i) Secretary to Government, Health Chairperson
Department

(ii) Secretary to Government, Finance Member
Department or his nominee not below the
rank of an Additional Secretary

(iii) Secretary to Government, Law and Member
Parliamentary Affairs Department or his
nominee not below the rank of an
Additional Secretary

(iv) Secretary to Government (Regulations Member
Wing), Services, General Administration &
Coordination Department or his nominee
not below the rank of an Additional
Secretary

Constitution of the

Board.

(v) Special Secretary to Government, Home Member
Department or his nominee not below the
rank of an Additional Secretary

(vi) three persons of eminence, one of whom Members
shall be a woman to be nominated by the
Chief Minister

(vii) Executive Director. Member/
Secretary

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

4. (1) A Member other than ex-officio Member shall be nominated or
appointed for a period of three years unless he ceases to hold office;
provided that a Member shall be eligible for re-nomination or re-
appointment for such term as the Chief Minister may determine.

(2) 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.

(3) 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.

(4) 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.

(5) The Chief Minister may remove any non-official member before the
expiry of his term without assigning any reason thereof.

5. Subject to the provisions of this Act, the Board shall have the
powers to —

(a) acquire and dispose of a property and to enter into
contracts;

(b) to manage the seized and freezed Facilities and to ensure
mainstreaming of employees of such Facilities;

(c) recruit and determine the terms and conditions of

employees of the Facilities, including — special
dispensation if required;

(d) formulate the budget of the Facilities;

(e) lay down the procedure for the conduct of its business;

(f) set up any Committee as may be required for carrying out
the purposes of this Act;

(g) hire the services of employees belonging to the other

Appointment,

resignation and
removal of non-
official members.

Powers of the Board.

Provinces as one-time dispensation only; and

(h) delegate such powers to the Chairperson, a Committee set up under this Act or any employee of the Board;

(i) do all other things necessary for achieving the objectives of this Act.

(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.

6. 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.

7. (1) The meetings of the Board shall be regulated by the procedure laid down in the regulations:

Provided that until such regulations are framed, the Board shall meet at least once in a quarter on the dates to be fixed by the Executive Director in consultation with the Chairperson:

Provided further 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 member to be appointed by the members present in the scheduled meeting.

(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.

8. There shall be an Executive Director of the Board who shall be cadre officer of BS-20, and shall be appointed by the Chief Minister, for a period of four years, and shall be eligible for re-appointment for further term(s) on such terms and conditions as the Chief Minister may determine.

9. (1) The Executive Director shall be the executive head of the Board and shall manage the affairs of the Board in accordance with the provisions of this Act, rules and regulations and shall have the following powers and

functions:-

Government
guidelines.

Meetings of the
Board.

Executive Director of
the Board.

Powers of Executive
Director.

@)

(ii)

(iii)

(iv)

(v)

(vi)

(vii)

(viii)

(ix)

(x)

(xi)

to keep in custody the record and seal of the Board;

to undertake and authorize payment of monthly salaries and allowances to the employees or the persons working in the Board;

to sanction or re-appropriate an amount not exceeding two lacs (two hundred thousand) 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 for ratification;

to prepare budget estimates and supplementary budget estimates and place the same before the Board for approval and subsequently its submission to Government;

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

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;

to take steps for the implementation of decisions of the Board and submit report thereof to Government;

to carry on all the correspondence of the Board;

to create and fill temporary posts for a period not exceeding six months;

to execute deeds and documents on behalf of the Board;
and

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, allow expenditure on items of 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) The Executive Director may delegate such of his powers, not being the powers delegated to him, to any officer or committee of the Board subject to such conditions as he deems fit.

10. Any person, not below age of eighteen years, employed in connection with the affairs of the Facilities, in any capacity immediately before the date notified under this Act, hereinafter referred to as the "said date", shall be deemed to have been the employees of the Board on such terms and conditions as the Board may determine:

Transitional
provisions for
employees of the
Facilities.

Provided that such terms and conditions shall not be less favorable than those admissible to an employee immediately before the commencement of this Act:

Provided further that no such employee shall be dismissed or removed from employment or reduced in rank by any authority other than the Board:

Provided also that service laws, rules and regulations and terms and conditions of service applicable immediately before commencement of this Act to the employees of the Facilities transferred under this section, shall continue to apply.

11. (1) All liabilities of the Facilities on the said date shall stand transferred to the Board.

(2) All properties, movable or immovable, owned by a Facility shall vest in the Board; provided that where a property is not owned by a Facility, such property shall be managed and controlled by the Board.

12. (1) There shall be separate fund of the Board known as the Hospitals and Dispensaries Management Board 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) grant(s) and subsidy received from the Federal and other Provincial Governments, Local Governments;

(c) donations or contributions received or generated from private persons or public, local, foreign or international organizations, donations endowments and deposits and income from investment and deposits;

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

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

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

(3) All moneys at the credit of the Board shall be kept in such manner as may be prescribed.

(4) The Board Fund shall be utilized by the Board in connection with its functions under this Act, including the payment of salaries and other remunerations of the employees of the Board and payment of rents and utilities.

Properties.

Fund.

13. (1) The Board shall cause the accounts of Board 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 Board 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 Board 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.

14. (1) As soon as may be after the close of every financial year but not later than the last day of September next following, the Board shall submit to the Government for approval a comprehensive report on the conduct of its affairs for that year.

(2) The Government may direct the Board to furnish —

(a) any return, statement, estimate, statistics or other information or report regarding any matter under the control of the Board; or

(b) a copy of any document in the custody of the Board, and the Board shall comply with every such direction.

15. The Chairperson and members of the Board, members of any of a Committee constituted under the Act and the employees of the Board shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

16. (1) The Board may, with prior approval of the Government, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for —

(a) forms and registers for keeping the accounts of the Facilities;

(b) terms and conditions of employment of employees of the Board;

(c) manner in which the Board Fund shall be disbursed;

(d) procurement of goods and services; and

(e) time and manner of submission of annual financial statement to the Government for approval;

(f) returns, statements, estimates, statistics, information or reports for submission to the Government;

Maintenance of
accounts and audit of
accounts.

Returns and
statements.

Chairperson,
members, employees
to be public servants.

Powers to make rules.

(g) manner in which the accounts of the Board shall be audited;

(h) = manner in which Board Fund shall be kept; and

(i) any other matter under the provisions of this Act as may be prescribed by the rules.

17. (1) The Board may frame regulations, not inconsistent with the provisions of this Act and the rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, such regulations may provide for -

(a) schedule of meetings of the Board and the procedure to be followed in such meetings;

(b) circumstances in which an ordinary or special meeting may be convened;

(c) manner in which the minutes shall be circulated and confirmed;

(d) powers to be exercised and functions to be performed by a Committee;

(e) delegation of administrative and financial powers to the Directorate, a Committee or an employee of the Board; and

(f) any other matter within the scope of this Act.

18. 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.

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

20. All orders made, proceedings taken, acts done, instructions issued, powers exercised, appointments made by any authority, immediately before the commencement of this Act and after the said date, shall be deemed to have been validly made, taken, done, issued or exercised and deemed always to have had effect accordingly.

21. If any difficulty arises in giving effect to any provision of this Act, the Chief Minister may, make such order not inconsistent with the provisions of this Act, as may appear to him to be necessary for purpose of removing such difficulty.

Regulations.

Bar of Jurisdiction.

Indemnity.

Validation.

Removal of
Difficulties.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ

SECRETARY

PROVINCIAL ASSEMBLY OF SINDH