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SINDH ORDINANCE NO.II OF 2014

THE SINDH REPRODUCTIVE MATERIAL, NEO-NATAL AND CHILD HEALTH AUTHORITY ORDINANCE, 2014

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SINDH ORDINANCE NO.II OF 2014

THE SINDH REPRODUCTIVE MATERIAL, NEO-NATAL AND CHILD HEALTH AUTHORITY ORDINANCE, 2014

[20th May, 2014]

An Ordinance to establish an Authority known as the Sindh Reproductive, Maternal, Neo-Natal and Child Health Authority in the Province of Sindh;

WHEREAS it is expedient to establish an Authority known as the Sindh Reproductive, Maternal, Neo-Natal and Child Health Authority in the Province of Sindh for managing affairs of employees and staff of National Program for Primary Health Care and Family Planning, Sindh Reproductive, Maternal, Neo-natal and Child Health and to provide for matters connected therewith or ancillary thereto;

AND WHEREAS the Provincial Assembly is not in session and the Governor is satisfied that circumstances exists which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, 1973, the Governor is pleased to make and promulgate the following Ordinance:-

Short title, extent and commencement.

1. (1) This Ordinance may be called the Sindh Reproductive, Maternal, Neo-natal and Child Health Authority Ordinance 2014.

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

(3) It shall come into force at once.

Definitions.

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

(a) "Authority" means the Sindh Reproductive, Maternal, Neo-natal and Child Health Authority established under this Ordinance;

(b) "Board" means the Board of Governors constituted under this Ordinance;

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

(d) "Director General" means Director General Health Services, Sindh appointed under this Ordinance;

(e) "employee" means the employee of the Authority other than a person working in the Authority on deputation basis or otherwise;

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

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

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

(i) "regulations" means regulations made under this Ordinance;

(j) "rules" means the rules made under this Ordinance.

Establishment of Authority.

3. (1) There shall be an Authority to be called the Sindh Reproductive, Maternal, Neo-natal and Child Health Authority for carrying out the purposes of this Ordinance.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with the power to acquire, hold and dispose of property both movable and immovable, and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Karachi and it may establish its offices at such other place or places in Sindh as it may consider appropriate.

(4) The Authority shall, in discharging its functions, act on sound principles and shall be guided by such directions as Government may give, from time to time.

(5) If a question arises whether any matter is of policy or not, the decision of Government shall be final.

Powers and functions.

4. (1) Subject to the provisions of this Ordinance and rules or regulations, the Authority shall exercise such powers and perform such functions as may be necessary for carrying out purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the provision of subsection (1), the Authority shall –

(a) administer and regulate the affairs of the employees, including terms and conditions of their services as community based workers;

(b) employ and remove the employees working under its control;

(c) develop and notify, with the approval of Government, the terms and conditions of the service of the employees;

(d) take or cause to be taken such measures as are required for entering into contracts, agreements

other contractual instruments for the following purposes:-

(i) improving contraceptive prevalence rate;

(ii) reducing unmet need for contraception;

(iii) increasing percentage of women receiving at least four antenatal cares from skilled providers;

(iv) increasing tetanus toxoid vaccination, skilled birth attendance, institutional deliveries, women receiving postnatal care and children fully immunized;

(v) increasing percentage of pregnant women knowing at least two danger signs of pregnancy and percentage of mothers aware of atleast two benefits of exclusive breastfeeding and early initiation of breast feeding and exclusive breast feeding;

(vi) increasing percentage of children, suffering from diarrhoea, treated with oral rehydration solution and zinc;

(vii) increasing percentage of mothers able to identify atleast two danger signs in early childhood illness like pneumonia;

(viii) decreasing severe and moderate wasting prevalence; and

(ix) decreasing prevalence of anaemia among pregnant women;

(e) develop and recommend the minimum service delivery standards for reproductive, maternal, neo-natal and child health and nutrition services, as may be notified by the Sindh Healthcare Commission established under the Sindh Healthcare Commission Act, 2013 (VII of 2014);

(f) play stewardship role in formulation of program policy guidelines in consultation with the stakeholders;

(g) constitute and notify the technical advisory groups on different thematic areas for formulating technical guidelines; and

(h) cause performance audit and internal financial audit to be conducted pertaining to primary health care and family planning services.

powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority. **Board.**

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

(i)	Minister for Health, Sindh or in his absence Advisor to Chief Minister on Health, or any other person nominated by Government	**Chairperson**
(ii)	Secretary, Government of Sindh, Health Department	**Vice Chairperson**
(iii)	Secretary Finance or his nominee not below the rank of an Additional Secretary	**Member**
(iv)	Secretary, Law, Parliamentary Affairs and Human Rights or his nominee not below the rank of an Additional Secretary	**Member**
(v)	Secretary, Planning and Development Department or his nominee not below the rank of an Additional Secretary	**Member**
(vi)	Secretary, Social Welfare Department or his nominee not below the rank of an Additional Secretary	**Member**
(vii)	Director General	**Member**
(viii)	A renowned female public health specialist to be nominated by Government	**Member**

(2) The Director General shall also act as Secretary of the Board.

(3) The Board may, for a meeting of the Board or for a specific matter under consideration of the Board, co-opt any other person who is either an elected representative at national or provincial level, or is a renowned public health or public administration specialist from private or public sector but such person shall not have right of vote.

(4) An official member appointed by virtue of his office shall cease to be the member on vacating such office.

(5) A non-official member shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment for such duration as Board may determine.

of his term, resign from his office, or be removed from office by Board without assigning any reason.

(7) Any person appointed on a casual vacancy in the office of non-official member shall hold office for the unexpired portion of the term of such vacancy.

(8) No act or proceedings of the Board shall be invalid merely for reason of any vacancy or defect in the constitution of the Board.

Disqualification of member.

6. (1) No person shall be or shall continue to be a member who –

(a) is not a citizen of Pakistan;
(b) is found a lunatic or becomes of un-sound mind;
(c) is or at any time has been convicted of an offence involving moral turpitude;
(d) is or has at any time been adjudicated insolvent;
(e) is or has at any time been disqualified for employment in or dismissed from Government service;
(f) is acting in contravention of the provisions of this Ordinance;
(g) has financial interest in any aspect of the Authority, or has a conflict of interest, directly or indirectly, with the Authority.

Meetings of the Board.

7. (1) The meetings of the Board shall be regulated by regulations but until regulations are framed, the meetings shall be held as and when required by the Chairperson or in his absence Vice-Chairperson at the time and place as the Chairperson or Vice Chairperson, as the case may be; provided that the meeting shall be held atleast once in quarter.

(2) Half of the total membership of the Board shall constitute a quorum for a meeting of the Board.

(3) The members shall have reasonable notice of the time and place of the meeting and matters on which a decision by the Board shall be taken in such meeting.

(4) The decision of the Board shall be taken by the majority of its members present and, in case of a tie, the member presiding a meeting shall have a casting vote.

(5) All orders, determination and decision of the Board shall be taken in writing and shall be signed by the Secretary.

Appointment of Director General.

8. (1) There shall be a full-time Director General of the Authority who shall be appointed by Government, on the recommendation of the Board, on such terms and conditions as it may determine.

(2) The Director General shall be an eminent professional of health sciences of known integrity and competence and having experience in public or private sector management especially in the context of managing human resources, financial management, program implementation and may additionally have technical understanding of Reproductive, Maternal, Neo-natal and Child Health.

(3) The Director General shall be appointed for a period of four years and shall be eligible for reappointment for one term only on the basis of his performance; provided that Government may on recommendations of the Board, on a complaint regarding the performance of the Director General or otherwise, reduce the term of his appointment or terminate his services, as the case may be.

(4) No person shall be appointed or continue as Director General, if he –

(a) has been convicted of an offence involving moral turpitude;
(b) has been removed from service for misconduct;
(c) has been adjudicated as insolvent;
(d) is incapable of discharging his duties by reasons of physical or mental incapacity and has been so declared by a Medical Board; or
(e) fails to disclose any conflict of interest at or within the time provided for such disclosure by or under this Ordinance or contravene any of the provisions of this Ordinance.

(5) The Director General may, at any time, resign his office by writing under his hand addressed to the Government through the Board.

Powers of Director General.

9. The Director General shall be the Chief Executive Officer of the Authority and shall, subject to general guidance and supervision of the Board, perform his functions and responsible to-

(a) exercise administrative control over the Authority day

resource management;

(b) submit the annual budget proposals of the Authority to the Board;

(c) run the affairs of the Authority for attaining the objectives of the Authority through the executive tier placed under therein;

(d) prepare the annual report of the Authority for placing before the Board;

(e) perform such functions and exercise such powers as the Board may delegate to him or as may be prescribed; and

(f) act on behalf of the Authority, in any emergency, subject to the obligation to report such action to the Board at its next meeting and to seek the Board of ratification of any action so taken.

Delegation.

10. The Board may, subject to such conditions as it deems appropriate, delegate to the Director General or an officer of the Authority any of its powers or functions under this Ordinance.

Committees.

11. The Board may constitute such committees as it may deem necessary for carrying out the purposes of this Ordinance.

Employees of the Authority.

12. (1) The Authority may, subject to the approval of the Board, appoint such persons as it deems necessary for the efficient performance of its functions under this Ordinance and prescribe terms and conditions of their service.

(2) The Authority may devise a system to provide benefits in lieu of pension.

(3) The officers, advisers, consultants and other staff shall be liable to such disciplinary action and in such manner as may be prescribed.

Fund.

13. (1) There shall be established a Fund known as the Reproductive, Maternal, Neo-natal, Child Health Authority Fund, which shall vest in the Authority and which shall be utilized by the Authority to meet all its expenses and charges in connection with the discharge of its functions and powers under this Ordinance, including the payment of salaries and remuneration to the employees.

(2) The Authority shall establish an escrow account in a scheduled bank approved by Government and the account

of the Authority.

(3) All monies credited in the Fund shall be deposited with the bank approved by Government.

(4) The Fund shall be financed by–

(a) amounts or grants received from the Federal Government;

(b) amounts or grants from received from Government;

(c) amounts received from any other body or organization;

(d) proceeds of all charges and income from sale of assets, and any recovery made under this Ordinance; and

(e) such other sum as may be received by the Authority.

(5) The Authority shall not obtain any loan and shall not incur any debt .

Budget and accounts.

14. (1) The Director General shall place the annual budget statement of the Authority before the Board for approval before the commencement of a financial year.

(2) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures statement in such form and manner as may be prescribed.

(3) Within three months of the end of each financial year, the Authority, in the prescribed manner, shall cause to be prepared financial year statements of accounts of the Authority.

Audit.

15. (1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) Government, in addition to the audit under subsection (1), may cause the annual accounts of the Authority audited, in the prescribed manner, by a chartered accountant or a firm of chartered accountants.

Annual report.

16. (1) The Authority shall, within three months of the close of a financial year, submit to Government an annual report.

(2) The report shall consist of–

(a) a statement of accounts of the Authority;

(b) a comprehensive statement of the performance and activities of the Authority during the preceding

Authority may consider appropriate.

Members and employees to be public servants.

17. The Chairperson, Vice Chairperson, members, Director General and employees of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

Indemnity.

18. No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairperson, Vice Chairperson, the Director General or any employee of the Authority, in respect of anything done or intended to be done in good faith under this Ordinance.

Ordinance to prevail over other laws.

19. In the event of any conflict or inconsistency between a provision of this Ordinance and a provision of any other law, the provisions of this Ordinance shall, to the extent of such conflict or inconsistency, prevail.

Rules.

20. Government may, by notification, make rules to carry out purposes of this Ordinance.

Regulations.

21. (1) Subject to this Ordinance and the rules, the Authority may, with the approval of Government, frame regulations to give effect to the provisions of this Ordinance.

(2) Without prejudice to the foregoing powers, such regulations may provide for appointment of its employees and other persons, terms and conditions of their service and performance of functions by the Authority.

Power to remove difficulties.

22. If any difficulty arises in giving effect to the provisions of this Ordinance, Government may, by notification, not inconsistent with the provisions of this Ordinance, remove the difficulty within a period of two years from the commencement of this Ordinance.