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SINDH ACT NO.X OF 2012

THE SYED ABDULLAH SHAH INSTITUTE OF MEDICAL SCIENCES ACT, 2012.

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SINDH ACT NO.X OF 2012

THE SYED ABDULLAH SHAH INSTITUTE OF MEDICAL SCIENCES ACT, 2012.

[2nd April, 2012]

An Act to provide for the establishment of an Institute known as the Syed Abdullah Shah Institute of Medical Sciences, Sehwan.

Preamble.

WHEREAS it is expedient to provide for the establishment of an Institute of Medical Sciences, at Sehwan and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: -

Short title and commencement.

1. (1) This Act may be called the Syed Abdullah Shah Institute of Medical Sciences Act, 2012.

(2) It shall come into force at once.

Definitions.

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

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

(b) "Board" means the Board of Governors of the Institute;

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

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

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

(f) "Institute" means the Syed Abdullah Shah Institute of Medical Sciences;

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

(h) "prescribed" means prescribed by regulations;

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

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

(k) "student" means student of institute.

Establishment of the Institute.

3. (1) An Institute to be called Syed Abdullah Shah Institute of Medical Sciences at Sehwan, shall be established by reconstituting and re-organizing the Taluka Hospital Sehwan, Rural Health Centre Arazi, Rural Health Centre Bhan, Rural Health Centre Jhangara and all Basic Health Units of Taluka Sehwan.

(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.

Property and persons.

4. (1) All properties, rights and interest of whatever kind used, enjoyed, possessed, owned or vested in, or held in trust by the Taluka Hospital Sehwan, Rural Health Centre Arazi, Rural Health Centre Bhan, Rural Health Centre Jhangara and all other Basic Health Units of Taluka Sehwan and all liabilities legally subsisting against them shall stand transferred to the Institute.

(2) All persons serving in the Hospital, Centers, and Basic Health Units referred to in sub-section (1) 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.

(3) The Institute shall, in respect of the persons transferred under sub-section (1) –

(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 and refer the case of such person to government for further action.

(4) 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.

(5) 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:- **Functions of the Institute.**

(i) to undertake treatment and acquire latest physical facilities necessary for carrying out investigation of general diseases in the field of medical sciences;

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

(iii) to undertake teaching, training and refresher courses in the principles of Medical Sciences with emphasis in Nursing, Paramedics, Medics and bio-medics;

(iv) to undertake postgraduate teaching programmes such as postgraduate Diploma, Master of Surgery and Doctorate of medicines;

(v) to carry out and promote research, surveys, experiments and demonstrations in the field of medical sciences, diseases pattern, their prevention and treatment;

(vi) 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;

(vii) to organize seminars and conferences and to promote co-operation with national and international agencies, organization, intuitions and universities in activities falling within the purview of the Institute; and

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

Institute open to all.

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 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.

Patron.

7. (1) The Governor 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 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.

Administration of the affairs of the Institute.

8. (1) The general direction and administration of the institute and its affairs shall vest in the Board consisting of the following:-

(i)	Minister Health or in his absence the person nominated by Government;	**Chairperson**
(ii)	MPA of the local area;	**Vice Chairperson**
(iii)	President of the Patients Welfare Society of Syed Abdullah Shah Institute of Medical Sciences;	**Member**
(iv)	Deputy Commissioner Jamshoro or his nominee;	**Member**
(v)	Secretary Health or his nominee;	**Member**
(vi)	two nominees of the Patients Welfare Society of Syed Abdullah Shah Institute of Medical Sciences;	**Members**
(vii)	one nominee of the Academic Council;	**Member**
(viii)	one person of eminence in the field of Medical Sciences nominated by Government;	**Member**
(ix)	Director.	**Member/ Secretary**

Provided that in the absence of Vice-**Chairperson**, the President of the Patients Welfare Society of Syed Abdullah Shah Institute of Medical Sciences shall act as Vice-**Chairperson**.

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

(3) 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.

(4) 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.

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

(6) 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.

Power and Functions of the Board.

9. (1) The Board shall 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 programme, annual reports and audit statements of account of the Institute;

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

(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;

(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;

(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;

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

(x) to frame regulations;

(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 Director, excepting the approval of budgetary estimates.

Meetings of the Board.

10. (1) The Board shall meet at least twice in a year with a gap of at least three months on the dates to be fixed by the 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 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.

Director of the Institute.

11. The Director to be appointed by the Board on the prescribed terms and conditions, shall possess prescribed qualification from a University established by law in Pakistan or a University of International repute and shall have experience in the field of management of Medical Sciences institutions for at least ten years:

Provided that the person holding office of the Medical Superintendent of the Taluka Hospital Sehwan immediately before the commencement of this Act shall be the first Director of the Institute.

Powers of Director.

12. (1) The 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 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 payment of monthly salaries and allowances to the employees of 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 and the regulations are faithfully observed;

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

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

(vi) 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;

(vii) to take steps for the implementation of decisions of the Board;

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

(ix) to create and fill temporary teaching and non-teaching posts for a period not exceeding six months;

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

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

(2) The 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 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 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 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.

Academic Council.

13. (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 or regulations.

(2) The Academic Council shall consist of the 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.

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

14. 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.

Selection Board.

15. (1) There shall be a Selection Board consisting of the Director and such other members as the Board may appoint.

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

(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.

Fund.

16. (1) There shall be a separate fund of the Institute known as Syed Abdullah Shah Institute of Medical Sciences Fund.

(2) The Fund shall consist of -

(a) grant and subsidy received from the Federal, Provincial and Local Governments;

(b) donations endowments and deposits;

(c) income from investment and deposits;

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

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

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

Crediting of the funds.

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

Investment and utilization of the Funds.

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

Maintenance of accounts and audit of accounts.

19. (1) The Board shall cause the accounts of Institute to be maintained in such a form and manner as may be prescribed.

(2) The account shall be audited once a year by an Auditor 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.

20. The 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. **Annual reports and periodical returns.**

21. 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. **Removal of difficulties.**

22. 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. **Bar of Jurisdiction.**

23. 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. **Indemnity.**

24. 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. **Power to make regulations.**