

SINDH ACT NO.XXVI OF 2013
THE SINDH INSTITUTE OF OPHTHALMOLOGY AND VISUAL SCIENCES ACT, 2013

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[26th March, 2013]

An Act to provide for the establishment of an Institute known as the Sindh Institute of Ophthalmology and Visual Sciences at Hyderabad.

WHEREAS it is expedient to provide for the establishment of an Institute known as the Sindh Institute of Ophthalmology and Visual Sciences at Hyderabad and to provide for matters connected therewith or ancillary thereto;

Preamble.

It is hereby enacted as follows: -

1. (1) This Act may be called the Sindh Institute of Ophthalmology and Visual Sciences Act, 2013.

Short title and commencement.

(2) It shall come into force at once.

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

Definitions.

- (a) "Academic Council" means the Academic Council of the Institute;
- (b) "Board" means the Board of Directors 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 Sindh Institute of Ophthalmology and Visual Sciences established under this Act;
- (g) "Member" means a member of the Board;
- (h) "prescribed" means prescribed by regulations;
- (i) "regulations" means the regulations made under this Act; and
- (j) "Selection Board" means the Selection Board of the Institute;

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3. (1) An Institute to be called the Sindh Institute of Ophthalmology and Visual Sciences, Hyderabad shall be established by reconstituting and re-organizing the Liaquat University Eye Hospital Hyderabad.

Establishment of the Institute.

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

4. (1) All properties, rights and interest of whatever kind used, enjoyed, possessed, owned or vested in, or held in trust by the Liaquat University Eye Hospital Hyderabad and all liabilities legally subsisting against it shall stand transferred to the Institute.

Property and persons.

(2) All persons serving in the Ophthalmology Department of Liaquat University of Medical and Health Sciences, Jamshoro, in any capacity, 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 Government within ninety days of the commencement of this Act and the option so exercised shall be final.

(4) All persons serving in the Ophthalmology Department of Liaquat University of Medical and Health Sciences shall –

- (a) be entitled to receive from the Institute for the period of their service under the Institute, pay and allowance which shall not be less than those admissible to them immediately before their transfer to the Institute; and
- (b) 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.

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(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 Government for further action.

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

Provided that the Institute shall pay to Government in respect of each person a sum equal to the sum which bears the same proportion to the total sum paid to such person as the total period of service of such person bears to the period of service rendered by him in the Institute.

(7) The pension and the amount of commutation of pension shall be sanctioned by such officer of the Institute as Government may authorize in this behalf.

(8) 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 Eye diseases,
- (ii) to develop methodology and standardize techniques for the investigation and treatment of various eye diseases;
- (iii) to undertake teaching in the principle of surgery with emphasis in Ophthalmology;
- (iv) to undertake postgraduate teaching programmes such as M.S., M.D., F.C.P.S. and Ph.D in Ophthalmology in collaboration with Liaquat University of Medical and Health Sciences;

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- (v) to undertake training of nursing and paramedical staff including technicians both graduates and postgraduates in the field of Ophthalmology;
- (vi) to carry out and promote research, surveys, experiments and demonstrations in Eye diseases for prevention of blindness and control of such diseases;
- (vii) 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;
- (viii) to organize seminars and conferences and to promote co-operation with national and international agencies, organizations, institutions and universities in activities falling within the purview of the Institute; and
- (ix) 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 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.

Institute open to all.

7. (1) The Governor of Sindh shall be the Patron of the Institute.

Patron.

(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;

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- (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.

8. (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 .

Administration of the affairs of the Institute.

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

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|--|-------------------------|
| (i) Secretary Health | Chairperson |
| (ii) President of the Society for welfare of the patients of Ophthalmology | Vice Chairperson |
| (iii) Registrar, Liaquat University of Medical and Health Sciences, Jamshoro | Member |
| (iv) One reputed senior Ophthalmologist of Province of Sindh to be nominated by Government | Member |
| (v) Two nominees of Society for welfare of patients of Ophthalmology | Members |
| (vi) Two nominees of the Academic | Members |

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- Council
- (vii) One nominee of the Chamber of Agriculture **Member**
 - (viii) one Member of Provincial Assembly from the Hyderabad constituency to be nominated by the Speaker **Member**
 - (ix) One nominee of the Pakistan Medical Association **Member**
 - (x) one nominee of the NGO supporting hospital **Member**
 - (xi) One officer of the Health Department, Government of Sindh. **Member**
 - (xii) Director **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 under his hand addressed to Government 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) Where 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.

9. (1) The Board shall, subject to the provisions of this Act and regulations, exercise administrative and financial powers in respect of the Institute as may be necessary for its proper and efficient functioning.

Power and Functions of the Board.

(2) In particular and without prejudice to the generality of the foregoing 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;

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- (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 rules and 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.

(3) The Chairperson may, in an emergency, which in his opinion requires immediate action, take such action as deemed necessary and shall, as soon hereafter as possible, report his action to 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.

Meetings of the Board.

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(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.

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 Ophthalmology and Visual Sciences institutions for at least ten years:

Director of the Institute.

Provided that the person holding office of the Professor of Ophthalmology of Liaquat University of Medical and Health Sciences, Jamshoro, immediately before the commencement of this Act shall be the first Director of the Institute.

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:-

Powers of Director.

- (i) to keep in custody the record and seal of the Institute;
- (ii) to authorize payments 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 and the regulations are faithfully observed;

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- (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 for 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 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;
- (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 Director shall not, except with the previous approval of the Board in each case or unless already approved in the budget duly item-wise, allow expenditure on items of civil works, or capital expenditures on 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.

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(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.

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.

Academic Council.

(2) The Academic Council shall consist of the Director who shall be the Chairperson, Registrar of the Liaquat University of Medical and Health Sciences and all Professors and Associate Professors of the Institute.

(3) The Academic Council may associate such other experts 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.

14. (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.

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

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

Selection Board.

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

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

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(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 election Board.

16. (1) There shall be a separate fund of the Institute known as the Sindh Institute of Ophthalmology and Visual Sciences Fund. **Fund.**

(2) The Fund shall consist of -

- (a) grants 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; and
- (f) all moneys received from any donor agency of Pakistan or foreign origin.

17. The amounts credited in the Fund shall be deposited in any Scheduled Bank approved by the Board. **Crediting 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. **Investment and utilization of the Funds**

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

(2) The accounts shall be audited once a year by the Auditor of the firm of Chartered Accountants 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.**

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21. If any difficulty arises in first implementation of the provisions of this Act, Government may, on the recommendation of Director 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.**
25. The provisions of the Liaquat University of Medical Health Sciences Ordinance., 2000 (Ordinance No.VIII of 2001) relating to the Ophthalmology Department of Liaquat University of Medical and Health Sciences, Jamshoro are hereby repealed. **Repeal.**