

SINDH ACT NO.I OF 1993
THE SINDH HEALTH FOUNDATION ACT, 1992

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[16th February, 1993]

An Act to provide for the establishment of the Health Foundation in the Province of Sindh.

WHEREAS it is expedient to make provisions for the establishment of the Health Foundation to promote, develop and finance the health sector in the Province of Sindh specially in the less developed and less privileged areas and rural areas and to deal with matter ancillary and incidental thereto;

Preamble.

It is hereby enacted as follows: —

1. (1) This Act may be called the Sindh Health Foundation Act, 1992. **Short title and commencement.**

(2) It shall come into force at once.

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

(a) “Board” means the Board constituted under this Act;

(b) “budget” means the official statement of annual income and expenditure of the Foundation;

(c) “Chairman” means the Chairman of the Board;

(d) “Foundation” means the Sindh Health Foundation;

(e) “Fund” means the Fund of the Foundation;

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

(g) “Managing Director” means the Managing Director of the Foundation;

(h) “Member” means a Member of the Board;

(i) “Prescribed” means prescribed by rules or regulation;

(j) “regulations” means regulations made under this Act;

(k) “rules” means rules made under this Act.

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3. (1) Government may, by notification, in the official gazette establish a Foundation to be known as the Sindh Health Foundation. **Establishment of the Foundation.**

(2) The Foundation shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immoveable and shall by the said name sue and be sued.

(3) The head-quarters of the Foundation shall be at Karachi.

4. (1) The Foundation shall take all such measures as it deems necessary for promotion, development and financing of health services in the Province specially in less developed and less privileged and rural areas. **Functions of the Foundation.**

(2) Without prejudice to the generality of the functions mentioned in sub-section (1), the Foundation may—

- (a) establish or cause to be established health institutions and such allied projects;
- (b) give grants to non-commercial health institutions, for the purchase of land, construction of buildings, purchase of equipments, furniture and for other allied projects;
- (c) give loans to the health institutions and to doctors for opening clinics, dispensaries, health centres or hospitals;
- (d) assist health institutions and doctors in getting loans from the scheduled bank and financial institutions;
- (e) lease or sell plots or land to assist interested person or body of persons or health institutions in getting plots or land from Government, development authorities and housing agencies controlled by Government for the purpose of health services;
- (f) assist private sector for providing necessary facilities for population welfare programmes;
- (g) perform such other functions as may be assigned to it by Government;

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- (h) generally under-take, do and perform such acts or things as are incidental or conducive to the attainment of the above objects.

(3) The Foundation may, with the prior approval of Government and subject to the Constitution, approach national and international agencies for loans and grants required for the projects aiming at improvements of health coverage to the people.

5. (1) The general direction and administration of the Foundation shall vest in a Board which may exercise all powers and do all acts and things which may be exercisable or done by the Foundation. **Administration of the Foundation.**

(2) The Board shall act on sound principles in promoting, developing and financing health sector and shall be guided by such directions as Government may give it from time to time.

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

6. (1) The Board shall consist of such number of official and non-official members, including the Chairman, as may be appointed by Government. **Board.**

(2) A member other than an ex-officio member, shall hold office for a period of three years but he may be re-appointed as such for a period not exceeding three years at a time.

(3) Government may remove a non-official member on the ground of inefficiency or misconduct after giving him an opportunity of being heard.

(4) A non-official member may at any time resign his membership by addressing a letter to Government.

7. The Board may constitute such financial, technical and advisory committees as may be deemed necessary for carrying out the purposes of this Act. **Committees.**

8. (1) The meetings and the business of the Board shall be conducted in such manner and according to such procedure as may be prescribed, and until these matters are prescribed as may be determined by the Board. **Business of the Board.**

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(2) No act or proceedings of the Board shall be invalid merely on the ground of the existence of any vacancy, in, or any defect in the constitution of the Board.

9. The Board may by general or special order and subject to such conditions as it may impose, delegate any of its powers, to the Managing director, any member or officer of the Foundation. **Delegation of Powers.**

10. (1) Government shall appoint a person as Managing Director having such qualifications and on such terms and conditions as may be determined by Government. **Managing Director.**

(2) The term of office of the Managing Director shall be three years which may be extended for a period of one year at a time but no person shall hold office for a total period of more than five years.

(3) Government may remove the Managing Director on the ground of inefficiency or misconduct after giving him an opportunity of being heard.

(4) The Managing Director shall be the Chief Executive of the Foundation and shall perform such functions and duties as may be assigned to him by the Board.

11. (1) The Foundation may appoint such advisors, consultants, officers and employees as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed. **Appointment of Officers.**

(2) The advisors, consultants, officers and employees of the Foundation shall be liable to such disciplinary action and in such manner as may be prescribed.

12. (1) There shall be a fund to be known as the "Foundation Fund" which shall consist of— **Fund.**

- (a) contributions or grants made by Federal, Provincial Government or local bodies;
- (b) income received from investments made by the Foundation;
- (c) gifts, donations and endowments;
- (d) revolving funds placed at the disposal of Foundation by the Government;

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(e) income received from any other source.

(2) The fund shall be regulated and utilized for carrying out the purposes of this Foundation and regulated in such manner as may be prescribed.

(3) The fund shall be kept in a Scheduled Bank appointed by Government.

13. (1) The budget shall be prepared and approved and its accounts shall be maintained in such manner as may be prescribed.

Budget, Audit and Accounts.

(2) The accounts of the Foundation shall be audited yearly in such manner as may be prescribed in consultation with the Auditor General of Pakistan.

14. The Foundation shall, not later than 15th day of February in each year, furnish an annual report to Government on the conduct of its affairs for that year.

Annual Report.

15. No suit or legal proceedings shall lie against Government, the Foundation or any person in respect of any thing which is done or purported to have been done or intended to be, or has been done in good faith under this Act.

Indemnity.

16. Government may make rules for carrying out the purposes of this Act.

Rules.

17. Subject to this Act and the rules, the Board may, with the approval of Government, make regulations for all matters not provided for in the rules for which provision is necessary for carrying out the purposes of this Act.

Regulation.