

**THE INSTITUTE OF MOTHER AND CHILD HEALTH ACT, 2023.
SINDH ACT NO. XIV OF 2023.**

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12th June, 2023

AN ACT to provide for the establishment of an Institute known as the Institute of Mother and Child Health at District Shaheed Benazirabad (Nawabshah).

WHEREAS it is expedient to provide for the establishment of an Institute known as the Institute of Mother and Child Health at District Shaheed Benazirabad (Nawabshah), and to provide for matters connected therewith or ancillary thereto;

Preamble

It is hereby enacted as follows:-

CHAPTER 1 PRELIMINARY

1. (1) This Act may be called the Institute of Mother and Child Health Act, 2023. **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) “Chief Financial Officer” means the Chief Financial Officer of the Institute;
- (e) “Executive Director” means the Executive Director of the Institute;
- (f) “Government” means the Government of Sindh;
- (g) “Institute” means the Institute of Mother and Child Health Nawabshah District Shaheed Benazirabad (Nawabshah) established under section 3;

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- (h) “Joint Director” means the Joint Director of the Institute;
- (i) “Member” means a member of the Board;
- (j) “prescribed” means prescribed by rules or regulations;
- (k) “regulations” means the regulations made under this Act;
- (l) “rules” means the rules made under this Act;
- (m) “Selection Committee” means the Selection Committee of the Institute;
- (n) “student” means student of the Institute; and
- (o) “trainee” means the postgraduate or paramedic trainee of the Institute.

3. (1) An Institute to be called the Institute of Mother and Child Health, shall be established at District Shaheed Benazirabad (Nawabshah in accordance with the provisions of this Act. **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.

(3) The Institute shall be an independent hub for awarding degree, diplomas and certificates and conduct trainings of medics and paramedics in the field of gynecology, obstetrics, pediatrics, pediatrics surgery and neonatology:

Provided that the Institute shall be affiliated with the Peoples University of Medical and Health Sciences for Women District Shaheed Benazirabad (Nawabshah), for the purpose, which shall utilize the clinical and/or teaching services of the Institute including the faculty in Maternal and Child Health for undergraduate and or postgraduate programmes.

(4) The Headquarters of the Institute shall be at District Shaheed Benazirabad (Nawabshah); provided that the Institute with the approval of Government may establish its branches at any place in the Province of Sindh.

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| 4. | The functions of the Institute shall be as follows:- | Functions of the Institute. |
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- (i) to undertake treatment and acquire latest physical facilities necessary for carrying out the investigation and treatment of various diseases in the field of gynecology, obstetrics, pediatrics, pediatrics surgery and neonatology in the Institute and its branches;
 - (ii) to provide full technical support and supervision to other mother and child health care facilities established in various government health entities other than its branches;
 - (iii) to strive towards the development of molecular sciences and genetic research both for diagnostic, the rapeutic and preventive purposes for all diseases and disorders affecting mothers and children;
 - (iv) to play role of an overarching body in consultation with all major teaching hospitals of Sindh including National and International Gynecology and Obstetrics Associations, Pediatric Associations of and all other relevant bodies for the purposes of their services in gynecology, obstetrics, pediatric;
 - (v) to strive towards and undertake the advanced treatment for reducing anemia, infant mortality and to overcome problems of malnutrition, immunization and reducing deaths from communicable diseases such as diarrhea and pneumonia, and to reduce the burden of non-communicable diseases in women and children and aim to achieve the sustainable development goals in the field;
 - (vi) to develop methodology and standardize technique and protocols for investigations and treatment of diseases in the field of gynecology, obstetrics, pediatric, pediatrics surgery, neonatology and newborn screening;
 - (vii) to provide the optimum, emergency, subsequent definite treatment, and rehabilitation for the needy people to such services in District Shaheed Benazirabad (Nawabshah) and referred from outskirts and satellite centers of the Institute at other districts of the Sindh;

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- (viii) to undertake the teaching in the principles of gynecology, obstetrics, pediatric, pediatrics surgery and neonatology, with emphasis to transform skill and impart knowledge in new innovations to doctors, nurses, paramedical technologists, biomedical technologists and others;
- (ix) to undertake postgraduate teaching programs such as FCPS, M.S, M.D, Ph.D, and other diplomas in the field of gynecology, obstetrics, pediatric, pediatrics surgery and neonatology and all relevant fields in collaboration with College of Physicians and Surgeons Pakistan and Peoples University of Medical and Health Sciences for Women, Shaheed Banazirabad (Nawabshah) or any other university recognized by the Higher Education Commission (HEC) or Pakistan Medical Dental Council (PMDC);
- (x) to hold examinations and to award and confer degrees, diplomas, certificate, and other academic distinctions to and on the persons who have been admitted to and have passed its examinations under the prescribed conditions and standards;
- (xi) to undertake training of nursing and paramedical staff including technicians both graduates and postgraduates in the field of gynecology, obstetrics, pediatrics, pediatrics surgery and neonatology and relevant emergency medicine;
- (xii) to carry out and promote research, surveys, experiments, and demonstrations and develop data base registry to be used for improvement of services, preventive methodologies, and future planning in the field of gynecology, obstetrics, pediatrics, pediatrics surgery and neonatology;
- (xiii) 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;
- (xiv) to organize seminars, conferences Continued Medical Education (CME) workshops to transform knowledge and skill of new innovations, and to promote co-operation with national and international agencies, organizations, institutions, fellowship colleges and universities in activities falling within the purview of the Institute;

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- (xv) to undertake the steps for implementation of Sindh Newborn Screening Act (The Sindh Act No.XLVIII of 2013 and will develop a reference lab for purpose of this Act, providing advance testing facility for newborn screening and providing guideline to all relevant Institute dealing with newborns;
 - (xvi) to seek and enter into cooperation with the provincial and federal institutions, international and other foreign agencies with the prior approval of Health Department in furtherance of the objectives of the Institute;
 - (xvii) to enter into agreement and joint venture with the federal and provincial universities, institutes, hospitals and other agencies in furtherance of the objectives of the institute;
 - (xviii) to develop itself into a center of excellence for the treatment of gynecology, obstetrics, pediatrics, pediatrics surgery and neonatology;
 - (xix) to affiliate and disaffiliate any institute or hospital on the terms and conditions as may be prescribed;
 - (xx) to outsource any component of woman and child health service on the recommendation of the Board; and
 - (xxi) to undertake all such activities or do such other acts and things as may be necessary to further the objectives of the Institute for improvement in woman and child health in the Province of Sindh.
5. The Institute shall be open to all persons of either gender of whatever religion, race creed, caste, colour 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 gender, religion, race, creed, caste or colour. **Institute open to all.**
6. (1) Government may issue guidelines and principles with respect to admissions in the Institute. **Admission Policy.**
- (2) The Academic Council shall frame Admission Policy in consonance with such guidelines and principles.
7. (1) The Chief Minister of Sindh shall be the Patron of the Institute. **Patron.**

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(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 regarding 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 be 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 specified time, take action or the action taken is not to the satisfaction of the Patron, the Patron may issue such directions as he deems 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 consist of the following: -

- (i) Minister for Health, Sindh **Chairperson**

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- (ii) Secretary Health, Government of Sindh or his nominee not below the rank of BS-19 **Ex-Officio Member**
 - (iii) Secretary Finance, Government of Sindh **Ex-Officio Member**
 - (iv) Two members from the Provincial Assembly of Sindh, one or both should be a woman to be nominated by the Speaker, Provincial Assembly of Sindh **Members**
 - (v) Vice Chancellor of affiliated University. **Ex-Officio Member**
 - (vi) Commissioner District Shaheed Benazirabad (Nawabshah) **Member**
 - (vii) One Representative of Pakistan Association of Gynecologist & Obstetrician Sindh Chapter **Member**
 - (viii) One philanthropist to be nominated by the Minister for Health, Sindh **Member**
 - (ix) One Representative of Pakistan Pediatric Association Sindh Chapter **Member**
 - (x) One eminent Health Professional from Pediatrics to be nominated by the Minister for Health Sindh. **Member**
 - (xi) One eminent Health Professional from Gynecology and Obstetrics to be nominated by the Minister for Health, Sindh **Member**
 - (xii) Executive Director of the Institute. **Member/Secretary**
- (3) The Board may associate such other experts, as it may consider necessary but such experts shall not have right to vote.

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(4) A member other than ex-officio member may resign from his office in writing under his hand addressed to Chairperson of the Board 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.

(8) Any casual vacancy of member other than ex-officio member whose place has become vacant shall be filled, as soon as conveniently may be, and such member shall be a member for the residue of the term for which the person whose place he fills would have been a member.

9. (1) The Board shall, subject to the provisions of this Act, rules and regulations, exercise administrative and financial powers in respect of the Institute as may be necessary for its proper and efficient functioning. **Powers 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 and its branches in Province of Sindh;
- (iii) to consider and approve the annual research programs, 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

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of the teaching and non-teaching staff of the Institute in accordance with the prescribed procedure by rules with the approval of Government;

- (vi) to institute professorships, associate professorships, assistant professorships, senior registrarships and lectureships and any other posts according to rules or regulations of Pakistan Medical and Dental Council (PMDC) or HEC, Sindh;
 - (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 expenditure by the Institute and for assets and liabilities of the Institute as determined by Accountant General Sindh and in consultation with Government;
 - (ix) to lay down its own rules of procedure with approval of Government;
 - (x) to formulate special pay to those professionals working in the Institute and opt for not practicing privately as prescribed by the Board;
 - (xi) to constitute such committees or sub-committees as it may deem necessary to carry out its functions under the provisions of this Act;
 - (xii) to delegate any of its powers to the Executive Director, excepting the approval of budgetary estimates and re-appropriation of the amount not exceeding ten lacs (one million)
10. 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 sole judge and whether a question is a policy, and the Board shall be bound to carry out such directions. **Government guidelines.**
11. (1) The meetings of the Board shall be held in a manner as may be prescribed by regulations: **Meetings of the Board.**

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Provided that until such regulations are framed, the Board shall meet atleast four times in a year with a gap of atleast three months on the dates to be fixed by the Executive Director in consultation with the Chairperson:

Provided further that the Chairperson may convene a special meeting at any time.

(2) The Chairperson shall preside over the meetings of the Board. However, in absence of the Chairperson, the meeting may be presided over by the Secretary Health and/or in absence of both, by the Member appointed by the Members present in the meeting.

(3) The quorum for a meeting shall be half 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.

(4) The decision of the Board shall be taken by the majority of the members present. In case of a tie, the Chairperson shall have and exercise a casting vote.

(5) The Executive Director being the Secretary of the Board shall record the minutes of meeting, which shall be submitted by circulation for confirmation.

12. (1) The Executive Director of the Institute shall be eminent academic or a distinguished Medical Professional to be appointed by the Government, for a period of five years on such terms and conditions as the Government may determine. **Executive Director of the Institute.**
- (2) The Executive Director shall possess MBBS registered with PMC / PMDC with a degree of MPH / MSPH / MSc. Health Policy and Management / MSc. Hospital Management / MBA Hospital or Health Management from Higher Education Commission recognized institutions or from an Institute of International repute and recognized by Higher Education Commission and shall have the experience not less than ten years in the management of reputed health institute.
- (3) The upper age limit for the post of Executive Director of the Institute shall be sixty years; provided that the Executive Director who has attained the age of sixty five years, shall cease to hold office.

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(4) The Chief Minister shall, in case of allegation of gross misconduct, inefficiency, corruption, violation of budgetary provision, moral turpitude, maladministration and mismanagement, remove the Executive Director, on the basis of substantiated findings of an enquiry committee appointed by the Chief Minister, after giving him an opportunity of show cause against such removal.

(5) The Executive Director may avail leave with the permission of the Health Department or any other authority duly authorized by the Chief Minister in this behalf.

13. (1) The Executive Director shall be the executive and academic head of the Institute and shall manage the affairs of the Institute in accordance with the provisions of this Act, rules, and regulations, and shall have the following powers and functions:- **Powers and duties of the Executive 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 to ensure that the provisions of this Act, rules and regulations are faithfully observed;
 - (iv) to sanction or re-appropriate an amount not exceeding one million for an unseen item not provided for in the budget and submit report in the next meeting of the Board;
 - (v) to prepare budget estimates and supplementary budget estimates and place the same before the Board for approval and subsequently its submission to Government;
 - (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

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and report to Board decision wise;

- (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 and report to the Board with reasons and justifications;
- (xi) to execute deeds and documents on behalf of the Board; and
- (xii) to perform any other duties as 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 duly item-wise, allow expenditure on items of major civil works, or capital expenditures on equipment or automobiles.

(3) If the Executive Director is satisfied that any proceeding of the Selection Committee or the Academic Council are not in accordance with the provisions of the Act, he may report the matter to the Board whose decision shall be final.

(4) The Executive 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.

(5) The Executive Director may, in an emergency, which in his opinion, requires immediate action, take such action as deems necessary and shall, as soon hereafter possible, report his action to the Board.

14. (1) The Joint Director of the Institute shall be eminent academic or a distinguished Medical Professional to be appointed by the Government, for a period of five years on such terms and conditions as the Government may determine. **Joint Director of the Institute.**

(2) The Joint Director shall possess prescribed Postgraduate Higher Qualification from a University or College of Physician and Surgeon, established by law in Pakistan or University or College of international repute and shall have the experience not less than ten (10) years in the field of Gynecology and Obstetrics or in the

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field of pediatrics, pediatric surgery and neonatology, and with additional experience in the management of reputed health institute.

(3) The upper age limit for the post of Executive Director of the Institute shall be sixty years; provided that the Joint Director who has attained the age of sixty five years, shall cease to hold office.

(4) He shall look after the affairs of Satellite Centers or branches of the Institute and shall perform such other duties as may be assigned to him by the Executive Director or Board.

(5) The provisions of removal and leave under sub-section (4) and (5) of section 13 shall mutatis mutandis apply to the Joint Director.

15. (1) The Chief Financial Officer shall be a whole time officer of the University and shall be appointed by the Chancellor on such terms and conditions as the Chancellor may determine. **Functions and duties of Chief Financial Officers**
- (2) The Chief Financial Officer shall-
- (a) manage the property, the finances and the investments of the University;
 - (b) prepare the annual and revised budget estimates of the University and present them to the Finance and Planning Committee and the Board;
 - (c) ensure that the funds of the University are expended for the purposes for which they are provided; and
 - (d) perform such other duties as may be prescribed.
16. (1) The Institute shall have an Academic Council which shall perform such functions as may be assigned to it by the Board under the Act, rules, or regulations. **Academic Council.**
- (2) The Academic Council shall consist of the Executive Director who shall be the Chairperson, Joint Director and all Professors and Associate Professors of the Institute.
- (3) The Academic Council may associate such other experts in the field of gynecology, obstetrics, pediatrics, neonatology, neurology, neurosurgery and emergency medicine, pediatrics surgery as it may

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consider necessary.

(4) The meetings of the Academic Council shall be held as frequently as possible, but not less than six 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.

(6) The Academic Council shall be responsible for all academic, research activities and update curriculum, induction policies for trainees and students and evaluate their progress.

(7) The Academic Council shall nominate a “Research Ethics Committee”, that to assure appropriate steps taken to protect the rights, ethical issues and welfare of human, participating a subjects in a research study at the institute.

(8) The institute shall follow all the ethical recommendations, recommended by Pakistan Medical Research Council from time to time.

17. (1) The Institute may for efficient performance of its functions appoint such faculty, 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 by rules.
- Appointments and terms and conditions of faculty, officers, and staff of the Institute.**

(2) The Institution may hire the services of a legal firm to look after all the legal matters pertaining to the Institute or its centers or branches.

18. (1) There shall be a Selection Committee consisting of the Executive Director and such other members as the Board may appoint with the approval of Patron.
- Selection Committee for appointment of officers and staff.**

(3) The Executive Director shall be the Chairperson of the Selection Committee.

(4) The quorum for a meeting of the Selection Committee shall not be less than two-third of its members.

(4) A member of the Selection Committee, other than ex-officio member, shall hold office as may be prescribed.

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(5) No member of the Selection Committee who is also a candidate for the post to which appointment is to be made shall take part in such proceeding of election Board.

(6) The Selection Committee may co-opt expert / professor of the relevant field for the position required to be filled with the prior approval of Board.

19. (1) The Selection Committee shall consider all applications for teaching and other posts received in response to an advertisement and shall recommend to the Board the names of suitable candidates for appointment to such posts. **Functions of the Selection Committee.**

(2) The Selection Committee may recommend to the Board the grant of a higher initial pay in a suitable case for reasons to be recorded.

(3) The Selection Committee may recommend to the Board the appointment of an eminently qualified person to a position in the Institute on the terms and conditions as may be prescribed.

20. (1) There shall be a non-lapsable separate fund of the Institute known as the Institute of Mother and Child Health Fund. **Fund of the Institute.**

(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 money received from any donor agency of Pakistan or foreign origin.

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| 21. | The amounts credited in the Fund shall be deposited preferably in Sindh Bank or any other bank approved by the Board. | Crediting of the funds. |
| 22. | The Board may invest its Funds in any security of the Federal Government or Provincial Government, or any other security approved by Government. | Investment and utilization of the Funds. |
| 23. | <p>(1) The Board shall cause the accounts of Institute to be maintained properly in respect of each financial year in such a form and manner as may be prescribed or until so prescribed in such a 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.</p> <p>(2) The accounts shall be audited by an Independent Auditor of well-known repute Chartered Firm every year. The criteria for selection of the Independent Auditor shall be decided by the Board and the accounts of the institute shall also be audited every year by Director General Audit Sindh.</p> <p>(3) The annual statement of the accounts and audit report thereon shall be submitted by the Executive Director for consideration of the Board for such action as deemed necessary.</p> <p>(4) The Institute shall maintain an internal Audit Wing which shall regularly undertake institutional internal checks and control.</p> | Maintenance of accounts and audit of accounts |
| 24. | The Executive 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, annual accounts, and periodical returns. |
| 25. | The Institute may, with the approval of Government cooperate with any foreign agency, International Organization or National Organization or philanthropist for further development of its technical capabilities, treatment facility and research activities, pursuant to an international agreement or arrangement made before or after the establishment of the institute, Government will be the cosignatory along with Institute. | International Cooperation. |
| 26. | If any difficulty arises in first implementation of the provisions of this Act, Government may, on the recommendation of Board or otherwise, give appropriate direction to remove such difficulty. | Removal of difficulties. |
| 27. | No court shall have jurisdiction to entertain any proceeding, grant | Bar of Jurisdiction. |

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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 the Act.

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| 28. | No suit or other legal proceedings 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 the Act. | Indemnity. |
| 29. | Government may make rules for carrying out the purposes of this Act. | Power to make rules. |
| 30. | Subject to approval of Government, the Board may, by notification in the official gazette, make regulations not inconsistent with the provisions of the Act for carrying out purposes of this Act. | Power to make regulations. |