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# SINDH ORDINANCE NO. VI OF 2005
# THE SINDH HEALTH INSTITUTIONS (ESTABLISHMENT AND MANGEMENT) ORDINANCE, 2005.

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**SINDH ORDINANCE NO. VI OF 2005**
**THE SINDH HEALTH INSTITUTIONS (ESTABLISHMENT AND MANGEMENT) ORDINANCE, 2005.**

[1st August, 2005]

An Ordinance to provide for the establishment and management of health institutions in the Province of Sindh.

**Preamble.**

**WHEREAS** it is expedient to provide for the establishment and management of health institutions in the Province of Sindh and give them autonomy to provide quality and affordable health care to all sections of the society and to provide for the matters ancillary thereto;

**AND WHEREAS** the Provincial Assembly is not in session and the Governor of Sindh is satisfied that circumstances exist 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, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

**Short title and commencement.**

1. (1) This Ordinance may be called the Sindh Health Institutions (Establishment and Management) Ordinance, 2005.

(2) It shall come into force atonce.

(3) Government may, by notification in the official gazette, apply this Ordinance to any health institution or teaching hospital functioning immediately before the commencement of this Ordinance.

**Definitions.**

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

(a) "Board" means the Board of Governors;

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

(c) "health institution" means a hospital with or without training centers established under section 3 and

includes a teaching hospital;

(d) "prescribed" means prescribed by regulations or rules made under this Ordinance; and

(e) "regulations and rules" means regulations and rules made under this Ordinance.

**Establishment of the health institutions.**

3. (1) Government may, by notification in the official gazette establish such number of health institutions as it may deem fit.

(2) The health institution shall be a body corporate, having perpetual succession and common seal, with power to acquire and hold property as prescribed and may, by its name, sue and be sued.

**Constitution of Board.**

4. (1) Subject to control and directions of the Government the Board shall be the principal Governing Body of a health institution and its administration and its management shall vest in the Board which shall consist of a Chairman to be appointed by the Chief Minister and such official and non-official members as provided in sub-section (2).

(2) The Secretary Health, Medical Superintendent of teaching hospital, Vice-Chancellor nominated by Government, Principal of a Medical College nominated by Government shall be official members and four non-official members excluding the Chairman to be nominated by Government from amongst Philanthropists distinguished businessmen and NGOs.

(3) The Medical Superintendent of Teaching Hospital shall also act as Secretary of the Board.

(4) The Secretary Health may be represented by an officer not below the rank of an Additional Secretary.

(5) The procedure for the selection, tenure and removal of the non-official members shall be prescribed by rules.

(6) A non-official member may, by notice in writing under his hand addressed to the Chairman, resign his office.

(7) No act of proceedings of the Board shall be in-valid merely on the ground of the existence of any vacancy or defect in the constitution of the Board.

**Functions of the health institutions.**

5. The health institution shall be responsible for providing training, health care facilities to people and perform such other functions as may, from time to time, be assigned to it by Government.

**Appointment of officers and employees.**

6. (1) The Board shall appoint such persons possessing such qualifications and on such terms and conditions as may be prescribed by rules.

(2) The person serving in a health institution in any capacity immediately before the commencement of this Ordinance shall, notwithstanding any law or terms and conditions of their service, stand transferred for service to the Board on such terms and conditions as may be prescribed by rules:

Provided that such terms and conditions shall not be less favourable than the terms and conditions admissible to them immediately before their transfer.

(3) The employees transferred under sub-section (2) shall continue to be the employees of Government and may be transferred to Government by the Board unless absorbed in the service of the Board.

**Fund.**

7. (1) There shall be a fund, to be known by the name of the Board, which shall vest in the Board and to which shall be credited all sums received by the institution.

(2) The fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed by rules.

**Budget and audit of Accounts.**

8. (1) The Budget of the Board shall be prepared and approved and its accounts shall be maintained and audited in such manner as may be prescribed by regulations.

(2) Government may order financial, medical and managerial monitoring through a third party nominated by Government and paid for by the Board and the Board shall comply with the directions which may be issued by Government on the report of the third party.

**Constitution of Committees.**

9. The Board may constitute such Committees or sub-Committees as it may deem necessary for giving effect to the provisions of the Ordinance.

**Delegation of Powers.**

10. The Board may delegate its powers, duties or functions to any person or a Committee.

**Public Servants.**

11. All persons acting or purporting to act in pursuance of any provision of this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860.

**Rules.**

12. Government may make rules for carrying out the purposes of this Ordinance.

**Regulations.**

13. The Board may take regulations, not inconsistent with the provisions of this Ordinance and rules, for carrying out the purposes of this Ordinance.

**Removal of Difficulties.**

14. If any difficulty arises in giving effect to any of the provision of this Ordinance, Government may give directions as it may consider necessary for removal of such difficulty.