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SINDH ORDINANCE NO.VII OF 1990.

THE SINDH INSTITUTE OF UROLOGY AND TRANSPLANTATION ORDINANCE, 1990.

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SINDH ORDINANCE NO.VII OF 1990.

THE SINDH INSTITUTE OF UROLOGY AND TRANSPLANTATION ORDINANCE, 1990.

[12th December, 1990]

An Ordinance to provide for the establishment of an Institute of Urology and Transplantation.

Preamble.

WHEREAS it is expedient to provide for the establishment of an Institute of Urology and Transplantation and for matters connected therewith or 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 Institute of Urology and Transplantation Ordinance, 1990.

(2) It shall come into force on and from the 22nd October, 1990.

Definition.

2. In this Ordinance, 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) "Chairman" means the Chairman of the Board;

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

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

(f) "Institute" means the Institute of Urology and Transplantation established under this Ordinance;

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

(h) "Prescribed" means prescribed by regulations framed under this Ordinance;

(i) "regulations" means regulations made under this Ordinance.

Establishment of the Institute.

3. (1) An Institute to be called the Sindh Institute of Urology and Transplantation shall be established by reconstituting and re-organizing the Urology Department of the Dow Medical College and Civil Hospital Karachi.

(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 movable and immovable, and shall by the name specified in sub-section (1) sue and be sued.

Functions of the Institute.

4. The functions of the Institute shall be as follows:-

(1) to undertake treatment and acquire latest physical facilities necessary for carrying out investigation of urological diseases including renal failure necessitating dialysis or transplantation;

(2) to develop methodology and standardise techniques for the investigation of various urological diseases;

(3) to undertake teaching in the principles of surgery with emphasis in urology in the clinical batches of the Dow Medical College, Karachi;

(4) to undertake postgraduate teaching programmes such as M.S., M.D., F.C.P.S., M.C.P.S., M. Phil and Ph. D in urology, nephrology or transplantation and to mitigate the shortage of specialists in the field of urology and transplantation;

(5) to undertake training of nursing and para medical staff including technicians both graduates and post graduates in the field of urology and transplantation;

(6) to carry out and promote research, surveys, experiments and demonstrations in urological diseases for prevention and control of such diseases;

(7) 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;

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

(9) to undertake all such activities or do such other acts and things as may help to further the objects of the Institute.

Administration of the affairs of the Institute.

5. The general direction and administration of the Institute and its affairs shall vest in a Board to be called the Board of Governors which may exercise all powers and do all acts and things which may be exercised or done by the Institute.

Constitution of the Board of Governors.

6. (1) The Board shall consist of the following: —

(1) Minister for Health, Government of Sindh.	Chairman
(2) President of the Society for welfare of the patients of urology and transplantation.	Vic-Chairman
(3) Secretary Health, Government of Sindh.	Member

(4)	Secretary, Finance, Government of Sindh.	Member
(5)	Principal of the Dow Medical College.	Member
(6)	One nominee of the Karachi University.	Member
(7)	Two nominees of the Society for welfare of patient of urology and transplantation.	Members
(8)	Two nominees of the Academic Council.	Members
(9)	One nominee of the Chamber of Commerce, Karachi.	Member
(10)	One nominee of the Pakistan Medical Association, Karachi Branch.	Member
(11)	One working Journalist nominated by Government.	Member
(12)	Director.	Member/Secretary

(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 by writing under his hand addressed to Government and thereupon he shall cease to hold office.

(4) Unless a member ceases to hold office or removed earlier by Government, the term of office of members, other than ex-officio members, shall be three years.

(5) When a person is appointed to be a member by virtue of his holding an office, he shall cease to be such member when he ceases to hold that office.

Power and duties of the Board.

7. (1) The Board shall, subject to the provisions this Ordinance and regulations, 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 foregoing provision, 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 purposes of the Institute;

(ii) to exercise supervision and overall control over the Institute;

(iii) to consider annual research programme, annual reports and audited statements of accounts 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 the Director;

(vi) to prescribe terms and conditions of the teaching and non-teaching staff of the Institute including the Director;

(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 purposes of this Ordinance;

(xii) to delegate any of its powers to the Director, excepting the approval of budgetary estimates.

Emergency Power of the Chairman.

8. The Chairman may, in an emergency which in his opinion requires immediate action, take such action as deemed necessary and shall, as soon thereafter as possible, report his action to the Board.

Meetings of the Board.

9. (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 Chairman:

Provided that the Chairman may convene a meeting at any time.

(2) The Chairman shall preside over the meeting.

(3) In the absence of the Chairman, the meeting may be presided over by the Vice-Chairman and in the absence of both, by the member to be 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 Chairman shall have and exercise a casting vote in the case of a tie.

(6) 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.

10. The Director to be appointed by the Board on the prescribed terms and conditions shall possess prescribed qualifications from a university established by law in Pakistan or a university of International repute and shall have experience of teaching courses relating to urology and transplantation in a recognized university for at least ten years:

Provided that the person holding office of the Professor of the Urology and Transplantation Department of the Dow Medical College immediately before the commencement of the Sindh Institute of urology and Transplantation Ordinance, 1990 (Sindh Ordinance, No.III of 1990) shall be the first Director of the Institute.

Powers of the Director.

11. (1) The Director shall be the academic and executive head of the Institute and shall administer the affairs of the Institute in accordance with the provisions of this Ordinance and regulations and shall have the following powers and functions: ——

(i) to keep in custody the records and seal of the Institute;

(ii) to authorised payments of monthly salaries and allowances to the employees of or the persons working in the Institute;

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

(iv) to pass payment of bills under any heads of the budget duly approved and authorised;

(v) to act as Secretary of the Board and issue notices of meetings of the Board and its committee's in consultation with the Chairman and to prepare and maintain minutes and record and proceedings of the meetings;

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

(vii) to prepare and present the annual budget;

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

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

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

(2) The Director shall be the ex-officio member of a committee or sub-committee set up by the Board.

(3) The Director shall not except with the previous approval of the Board in each case or unless already approved in the budget duly itemised, allow expenditure on items of civil works, or capital expenditure on equipment or automobiles.

(4) The Director may delegate such of his powers to any other officer or committee of the Institute as he deems fit.

Academic Council.

12. (1) The Institute shall have a Academic Council which shall perform such function's as may be assigned to it by the Board under this Ordinance or regulations.

(2) The Academic Council shall consist of the following:-

(i)	Director.	Chairman.
(ii)	Principal of the Dow Medical College.	Member.
(iii)	All professors and Associates Professors of the Institute.	Members.

(3) The Academic Council may associate such other experts as it may consider necessary.

(4) The meetings of the Councils 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.

Terms and conditions of service, etc, of Government servants Working in the Institute.

13. (1) All persons in the service of Government serving in the Urology Department of the Dow Medical College in any capacity immediately before the commencement of the Sindh Institute of Urology and Transplantation Ordinance, 1990. (Sindh Ordinance No.III of 1990), shall stand transferred for service under the Institute:

Provided that such persons shall—

(i) continue to be civil servants;

(ii) be entitled to receive from the Institute for the period of their service under the Institute, pay and allowances which shall not be less than those to which they were entitled immediately before their transfer to the Institute;

(iii) be governed by such regulations as the Institute may, with the approval of Government, make; provided that such regulations shall not be less favourable than the rules applicable to them immediately before their transfer to the Institute.

(2) The Institute shall, in respect of the persons whose services have been transferred to it under sub-section (1)—

(i) exercise all such administrative and financial powers as were exercisable by Government or any authority subordinate to that Government; and

(ii) initiate disciplinary proceedings against any such person and refer the case of such person to Government for further action.

(3) The persons whose services have been transferred to the Institute under sub-section (1) shall be entitled to receive from Government for the whole of their service, including the service under the Institute, pension and the 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 such 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.

(4) The pension and the amount of commutation of pension shall be sanctioned by such officer of the Institute as Government may authorise in this behalf:

Provided that, if such pension is required to be reduced, such officer shall, before sanctioning such pension, obtain formal orders of Government.

(5) The General Provident Fund accumulations of the persons whose services have been transferred to the Institute under sub-section (1) shall remain with Government, and they 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.

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

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.

(2) The officers and staff shall be liable to such disciplinary actions and in such manner as may be prescribed.

Fund.

15. (1) There shall be a separate fund of the Institute known as the Sindh Institute of Urology and Transplantation Fund.

(2) The Fund shall consist of—

(a) grants and subsidy received from the Federal and Provincial Governments;

(b) donations and endowments;

(c) income from investments 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) grants made by any local Authority; and

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

Crediting of the funds.

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

Investment and utilisation of the funds.

17. 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.

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

(2) The accounts shall be audited once a year by an auditor appointed by the Board.

(3) The Annual Statement of Accounts and audit report thereon shall be submitted by the Auditor for consideration of the Board for such action as deemed necessary.

Submission of reports returns etc.

19. The Director shall submit to Government such periodical returns, annual reports, accounts statement and statistics or information as may be required by Government.

Removal of difficulties at the commencement of the Act.

20. If any difficulty arises in first implementation of the provisions of this Ordinance, Government may, on the recommendation of the Director or otherwise, give appropriate direction to remove such difficulty.

Bar of jurisdiction.

21. No court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to any thing done or purported to have been done or intended to be done in good faith under this Ordinance.

Board Indemnity.

22. No suit or legal proceedings shall lie against Government, the Board 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 Ordinance.

Power to make regulations.

23. The Board may, with the previous approval of Government, by notification in the Official Gazette, make regulations not inconsistent with the provisions of this Ordinance for carrying out the purposes of this Ordinance.