

SINDH ACT NO. IV OF 2015
THE NATIONAL INSTITUTE OF CARDIOVASCULAR DISEASES (SINDH
ADMINISTRATION) ACT, 2014

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[6th January, 2015]

An Act to provide for the proper administration of the affairs of the National Institute of Cardiovascular Diseases Sindh, Karachi.

WHEREAS it is expedient to provide for the proper administration of the affairs of the National Institute of Cardiovascular Diseases Sindh, Karachi and for matters connected therewith or ancillary thereto;

Preamble.

AND WHEREAS the Provincial Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary to take immediate action.

1. (1) This Act may be called the Sindh Institute of Cardiovascular Diseases (Administration) Act, 2014.

Short title, extent and commencement.

(2) It shall extend to the whole of the Province of Sindh.

(3) It shall come into force at once.

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

Definitions.

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

(b) “Executive Director” means the Executive Director of the Institute;

(c) “Governing Body” means the Governing Body of the Institute;

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

(e) “Institute” means the National Institute of Cardiovascular Diseases set up in 1963 and registered as such under the Societies Registration Ordinance, 1860 (XXI of 1860); and

(f) “Trust” means the National Institute of Cardiovascular Diseases Trust (Sindh), Karachi.

3. This Act shall have effect notwithstanding anything contained in any other law for the time being in force or in the Trust Deed of the National Institute of Cardiovascular Diseases Trust, Karachi, dated the 8th May, 1976.

Act to over-ride other laws.

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4. All the powers and functions of the Board of Trustees of the Trust shall vest in, and be exercised and performed by the Governing Body and every member of the said Board of Trustees shall ceased to hold office.

Vesting of powers of the Board of Trustees of the Trust in the Governing Body.

5. (1) The Institute shall be a body corporate, to be called the National Institute of Cardiovascular Diseases, 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.

Incorporation of the Institute.

(2) The headquarters of the Institute shall be at Karachi.

CHAPTER-II GENERAL

6. (1) The functions of the Institute shall be -

Functions of the Institute.

- (i) to undertake modern treatment of cardiovascular diseases;
- (ii) to acquire latest physical facilities required for carrying out necessary investigation and treatment of cardiovascular diseases;
- (iii) to seek and enter into cooperation with international and other foreign agencies with the prior approval of Government in furtherance of the objectives of the Institute;
- (iv) to carry out research in cardiovascular diseases for prevention and control of cardiovascular diseases as well as for its treatment;
- (v) to undertake training of medical students, nurses, para-medics, undergraduate and post-graduate, in cardiovascular diseases; and
- (vi) to develop itself into a centre of super excellence for the treatment of cardiovascular disease.

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7. (1) The general direction and administration of the affairs of the Institute shall vest in the Governing Body which shall consist of - **Governing Body.**

- | | | |
|--------|---|-------------------------|
| (i) | Chief Minister Sindh | Chairman |
| (ii) | Secretary, Health Department | Vice Chairman |
| (iii) | Director General Health Services Sindh | Member |
| (iv) | Executive Director to be appointed by Government | Secretary/Member |
| (v) | A nominee of Sindh Chamber of Commerce and Industry | Member |
| (vi) | Two persons to be nominated by Government, of whom one shall be a person possessing medical qualifications | Members |
| (vii) | A nominee of the Accountant General, Sindh | Member |
| (viii) | An elected Mayor of the Karachi Metropolitan Corporation or, if there is no Mayor, a social worker of Karachi to be nominated by Government | Member |
| (ix) | A social worker of Sindh, excluding Karachi to be nominated by the Government of Sindh | Member |

(2) The Executive Director shall also act as Secretary of the Governing Body.

8. (1) The Governing Body may –

- (a) frame bye-laws to govern the working of the Institute and issue instructions to any committee or sub-committee of the Institute; and
- (b) generally supervise the administration and management of the affairs of the Institute and do all such acts and take all such steps as are necessary for the promotion and fulfillment of the objects and purposes of the Institute.

Powers of the Governing Body.

(2) In discharging of its functions, the Governing Body shall be guided on questions of policy by the instructions, if any, given to it from time to time by Government which shall be the sole judge as to whether a question is a question of policy, and the Governing Body shall be bound to carry out such directions.

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9. (1) Unless earlier removed by Government, the term of members, other than ex-officio members shall be three years. **Term of office of members.**

(2) A member other than ex-officio member, may resign from his office by writing under his hand addressed to Government.

(3) When a person is appointed to be a member of the Governing Body by virtue of his holding an office or appointment, he shall cease to be such member when he ceases to hold that office or appointment.

10. (1) The Executive Director shall be the Secretary and Chief Executive Officer of the Institute and shall have the following functions and duties, namely :- **Administration of the affairs of the Institute.**

- (i) to keep in custody the records and seal of the Institute;
- (ii) to appoint officers and staff upto grade 17 and superintend and control the administration of the Institution;
- (iii) to authorize payments of monthly salaries and allowances to the employees of the Institute;
- (iv) to propose budget estimates and supplementary budget estimates and place the same before the Governing Body for approval;
- (v) to pass payment of bills under any heads of the budget duly approved and authorized;
- (vi) to issue notices of meetings of the Governing Body and its committees in consultation with the Chairman and to maintain proper record of minutes and proceedings thereof;
- (vii) to take steps for the implementation of decisions of Governing Body, committees and sub-committees;
- (viii) to prepare and present the annual budget;
- (ix) to carry on all the correspondence of the Institute;
- (x) to execute deeds and documents on behalf of the Governing Body; and

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(xi) to perform any other duties which may be assigned to him by the Governing Body.

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

(3) The Executive Director shall not, except with the previous approval of the Governing Body in each case or unless already approved in the budget duly itemized, allow expenditure on equipment or automobiles.

11. (1) The meetings of the Governing Body shall be convened by the Chairman on such date and at such time and place as may be specified by him:

Meetings of the Governing Body.

Provided that –

- (i) not less than four meetings shall be held every year;
- (ii) not less than eight days' notice shall be given to the members specifying the date, time and place of the meeting.

(2) The Governing Body may regulate by regulations the procedure for its meetings.

(3) No act or proceeding of the Governing Body shall be invalid merely on the ground of the existence of a vacancy in, or defect in the constitution of the Governing Body.

12. The Governing Body may, from time to time, appoint such working groups or committees from amongst its members as it may consider necessary to assist it in the performance of its functions and to discharge such of its functions as it may assign to them.

Setting up of working groups and committees.

13. (1) There shall be a Fund of the Institute consisting of -

Fund.

- (a) grant and subsidy received from the Federal, Provincial and Local Governments;
- (b) donations endowments and deposits;
- (c) income from investment and deposits;
- (d) foreign aid and loans obtained with the approval of Government;
- (e) Trust fund of the Institute.

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14. (1) The Executive Director shall prepare the annual budget of the Institute for the ensuing financial year and submit it for approval to the Governing Body. **Audit and accounts.**

(2) The funds of the Institute, other than the Trust Fund, shall be kept in the personal ledger account of the Institute with the National Bank of Pakistan acting as an agent of the State Bank of Pakistan.

(3) The Trust shall be invested in Government and other approved securities and the income accruing therefrom shall be used for the purposes of the Institute.

(4) The accounts of the Institute shall be maintained in such form and in such manner as the Accountant General of Sindh may determine in consultation with Government.

(5) The accounts of the Institute shall be audited by one or more auditors who are Chartered Accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961), and are appointed by the Institute in consultation with the Accountant General of Sindh.

15. The Institute shall cause its accounts to be maintained properly and in respect of each financial year submit for approval of Government by such date and in such form as may be specified by Government, a statement showing the estimated receipts and current expenditure and the sums to be required from Government during the next financial year. **Budget and accounts.**

16. The Institute shall cause proper accounts to be kept and shall after the end of each financial year cause to be prepared for the financial year a statement of accounts of the Institute which shall include a balance sheet and an account of receipt and expenditure. **Maintenance of accounts.**

17. The Institute shall submit an annual report to Government in respect of any of its activities and furnish such information as and when required by Government. **Submission of Reports.**

18. The Governing Body may appoint, subject to such general or special orders as Government may give from time to time, such officers in Grade 18 and above, and engage such consultants or experts, as it may consider necessary for the efficient performance of the functions of the Institute, on such terms and conditions as it may deem fit. **Appointment of officers etc.**

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19. The Institute may, with the approval of Government, cooperate with any foreign agency or International Organization for further development of its technical capabilities and research activities, pursuant to an international agreement or arrangement made before or after the establishment of the Institute

International cooperation.

**CHAPTER-III
MISCELLANEOUS**

20. The provisions of the Sindh Industrial Relations Act, 2013 shall not apply to, or in relation to the Institute or any of the officers or employees of the Institute.

Application of Industrial Relations Act,2013.

21. (1) All persons in the service of Sindh and serving in connection with the affairs of the Institute in any capacity immediately before the commencement of this Act shall stand transferred for service under the Institute:

Terms and conditions of service, etc. of Government servants.

Provided that such persons shall -

- (a) continue to be Government servants;
- (b) be deemed to be on deputation to the Institute;
- (c) be entitled to receive from the Institute for the period of their service under the Institute, pay and allowances which shall not be less favourable than those which were admissible to them immediately before their transfer to the Institute;
- (d) 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 before their transfer to the Institute.

(2) The Institute shall, in respect of persons whose service 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 it;
- (iii) initiate disciplinary proceedings against any such person and refer the case of such person to Government for further action.

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(3) The persons transferred under sub-section (1) shall be entitled to receive from Government for their entire service, including the service under the Institute, pension, gratuity 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.

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

(5) The General Provident Fund accumulations of the persons 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.

22. (1) The officers and staff employed in the Institute before the commencement of this Act shall be entitled to the same terms and conditions to which they were entitled immediately before such commencement and such terms and conditions shall not be varied to their disadvantage.

Terms and conditions of service of the employees of the Institute.

(2) The officers and staff employed by the Institute after the commencement of this Act shall be entitled to the same pay, allowances and other terms and conditions of service to which the officers and staff of Government of the corresponding grade may be entitled from time to time.

23. Private practice by officers of the Institute, who are qualified to practice medicine or surgery, shall be governed by regulations made under this Act.

Medical practice by officers.

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

Rules.

25. (1) The Governing Body may, with the previous approval of Government by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder as it may consider necessary or expedient for the administration and management of the affairs of the Institute.

Power to make regulations.

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(2) In particular and without prejudice to the generality of the fore-going power, such regulations may provide for –

(a) the uniform pay scales of all categories of employees of the Institute; and

(b) private practice by officers of the Institute who are qualified to practice medicine or surgery.

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

Removal of difficulties.

27. 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.

28. 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.