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PART-IV

PROVINCIAL ASSEMBLY OF SINDH NOTIFICATION

KARACHI, THE 30TH JANUARY, 2020

NO. PAS/LEGIS-B-28/2019—The Sindh Institute of Physical Medicine and Rehabilitation Bill, 2019 having been passed by the Provincial Assembly of Sindh on 19th December, 2019 and assented to by the Governor of Sindh on 22nd January, 2020 is hereby published as an Act of the Legislature of Sindh.

THE SINDH INSTITUTE OF PHYSICAL MEDICINE AND REHABILITATION ACT, 2019

SINDH ACT NO. VI OF 2020

AN
ACT

to provide for the establishment of an Institute known as the Sindh Institute of Physical Medicine and Rehabilitation.

WHEREAS it is expedient to provide for the establishment of an Institute known as the Sindh Institute of Physical Medicine and Rehabilitation to meet the challenges of rehabilitation, management of increasing number of disability, demanding multidisciplinary rehabilitation, and to provide for matters connected therewith or ancillary thereto;

Preamble.

It is hereby enacted as follows: -

1. (1) This Act may be called the Sindh Institute of Physical Medicine and Rehabilitation Act, 2019. **Short title and commencement**

(2) It shall come in force at once.

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

- (i) "Academic Council" means the Academic Council of the Institute;
- (ii) "Board" means the Board of Governors of the Institute;
- (iii) "Chairperson" means the Chairperson of the Board;
- (iv) "Executive Director" means the Executive Director of the Institute;
- (v) "Government" means the Government of Sindh;
- (vi) "Institute" means the Sindh Institute of Physical Medicine and Rehabilitation Institute established under section 3;
- (vii) "Member" means a member of the Board;
- (viii) "prescribed" means prescribed by rules or regulations;
- (ix) "rules" and "regulations" means rules and regulations, respectively made under this Act;
- (x) "Selection Board" means the Selection Board of the Institute;
- (xi) "student" means student of the institute; and
- (xii) "Vice-Chairperson" means Vice-Chairperson of the Board.

3. (1) An Institute to be called the Sindh Institute of Physical Medicine and Rehabilitation at Karachi, shall be established by reconstituting and re-organizing the Institute of Physical Medicine and Rehabilitation, Dow University of Health Sciences, Karachi. **Establishment of the Institute.**

(2) The Institute shall be a body corporate having perpetual succession and a common seal with power among others to acquire, hold and dispose of any property, both moveable and immovable, vesting in it and shall, by the name specified, sue and be sued.

(3) The Institute shall be an independent degree awarding Institute.

4. (1) All properties, rights and interest of whatever kind used, enjoyed, possessed, owned or vested in, or held in trust by the Institute of Physical Medicine and Rehabilitation, Dow University of Health Sciences, Karachi and all liabilities legally subsisting against it shall stand transferred to the Institute.

Property and persons.

(2) All persons serving in the Institute of Physical Medicine and Rehabilitation, Dow University of Health Sciences, Karachi, in any capacity, immediately before the commencement of this Act shall, if they opt to serve in the Institute, notwithstanding any law or terms and conditions of their service, stand transferred for service to the Institute.

(3) The option under sub-section (2) shall be exercised and submitted to Government or Dow University of Health Sciences, as the case may be, within ninety days of the commencement of this Act and the option so exercised shall be final.

(4) All persons serving in the Institute of Physical Medicine and Rehabilitation, Dow University of Health Sciences shall -

- (a) be entitled to receive from the Institute for the period of their service under the Institute, pay and allowance which shall not be less than those admissible to them immediately before their transfer to the Institute; and
- (b) be governed by such regulations as the Institute may make; provided that such regulations shall not be less favourable than the rules or regulations applicable to them immediately before their transfer to the Institute.

(5) The Institute shall, in respect of the persons transferred under sub-section (2) -

- (i) exercise all such administrative and financial powers as were exercisable by Government or Dow University of Health Sciences or any authority subordinate to it;
- (ii) initiate disciplinary proceedings against any such person and refer the case of such person to Government or Dow University of Health Sciences for further action.

(6) The persons transferred under sub-section (2) shall be entitled to receive from Government or Dow University of Health Sciences, as the case may be, for their entire service, including the service under the Institute, pension and amount of commutation of pension in accordance with the rules applicable to them:

Provided that the Institute shall pay to Government or Dow University of Health Sciences 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.

(7) The pension and the amount of commutation of pension shall be sanctioned by such officer of the Institute as **approved by the Board.**

(8) The General Provident Fund accumulations of the persons transferred under sub-section (2) 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.

5. The Functions of the Institute shall be as follows:-

Functions of the Institute.

- (i) to provide multidisciplinary rehabilitation management to people with disabilities including congenital and acquired, which includes musculo-skeletal, pediatric, neurological and cardiopulmonary rehabilitation;
- (ii) to develop methodology and standardize technique for rehabilitation of disabilities services in supervision of physiatrists and members of therapists, neuropsychologist, special educators, nutritionist and social workers;
- (iii) to provide the optimum, rehabilitation management of musculo skeletal, neurological related deformities and complications of chronic disability referred to the Institute from within and outside Province;
- (iv) to undertake teaching in the field of physical medicine and rehabilitation with emphasis to transform skill and impart knowledge in view of new innovations to doctors and allied health team members;

- (v) to undertake postgraduate teaching programmes such as FCPS, MCPS, Master degree in Physical Therapy, Bachelor in Occupational Therapy, Bachelor in Orthotic and Prosthesis, Bachelor in language and **swallowing** and courses in Autism in the field of physical medicine and rehabilitation; in collaboration with the College of Physicians and Surgeons Pakistan or University of Medical or Health Sciences recognized by the Higher Education Commission of Pakistan or **any regulatory Body**;
- (vi) 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;
- (vii) to undertake training of allied health professional of both graduate and postgraduate and medics and paramedics in the field of physical medicine and rehabilitation related musculo skeletal neurological, pediatric and cardiopulmonary disorder;
- (viii) to carry out and promote research, surveys, experiments and demonstrations and to develop data base registry to be used for improvement of services, preventive methodologies and future planning in the field of physical medicine and rehabilitation related musculo skeletal neurological, pediatric and cardiopulmonary and evidence base management;
- (ix) 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, and practice evidence base rehabilitation management;
- (x) to organize seminars and conferences, workshops to transform knowledge, skill of new innovations and to promote co-operation with national and international agencies, organization, **Institutions**, fellowship colleges and universities in activities falling within the purview of the Institute; and
- (xi) to undertake all such **activities** or do such other acts and things as may be necessary to further the objectives of the Institute.

6. The Institute shall be open to all persons of either sex of whatever religion, race, creed, caste, colour or **differently abled persons** or domicile 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 sex, religion, race, creed, caste, colour **differently abled persons** or domicile **as prescribed by the rules.** **Institute open to all.**

7. (1) **Health Department** 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.

8. (1) The Chief Minister of Sindh shall be the Patron of the Institute. **Patron.**

(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 with regard to 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 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 time specified, 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.

9. (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:-

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|--------|--|-------------------------|
| (i) | Minister Health | Chairperson |
| (ii) | Secretary, Health Department, Government of Sindh. | Vice-Chairperson |
| (iii) | Secretary Finance, Government of Sindh | Member |
| (iv) | Two Members of the Provincial Assembly to be nominated by the Speaker | Members |
| (v) | Vice Chancellor of a reputed University of Health Sciences. | Member |
| (vi) | Dean of Medicine from a reputed University of Health Sciences | Member |
| (vii) | Head, Physical Medicine and Rehabilitation of well reputed Institute | Member |
| (viii) | A prominent person of civil society having philanthropic activities in rehabilitation services | Member |
| (ix) | An eminent health professional from the field of physical medicine and rehabilitation | Member |
| (x) | A prominent citizen from business community involved in philanthropy | Member |
| (xi) | A nominee of Health Secretary not below the rank of BS-19 | Member |
| (xii) | Executive Director of the Institute | Member/Secretary |

(3) The Board may associate such other experts, as it may consider necessary.

(4) A Member other than ex-officio Member shall be nominated or appointed by the Chief Minister for a period of three years unless he ceases to hold office; provided that a Member shall be eligible for reappointment or re-nomination for such term as the Chief Minister may determine.

(5) A Member other than ex-officio Member may resign his office in writing addressed to the Board and thereupon he shall cease to hold office.

(6) 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.

(7) When 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.

10. (1) The Board shall, subject to the provisions of this Act and rules or 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;
- (iii) to consider and approve annual research programme, annual reports and audit statements of account of the Institute and submit the same to Government for approval and further guidelines;
- (iv) to create, suspend or abolish such posts of teaching and non-teaching staff of the Institute as may be necessary according to rules and **regulations of the Government;**
- (v) to appoint and prescribe terms and conditions of the services of the teaching and non-teaching staff of the Institute **according to rules and regulations of the Government;**
- (vi) to institute professorships, associate professorships, assistant professorships, senior registrarships and lectureships and any other posts in accordance with the service method prescribed by Higher Education Commission **or any other regulatory authority;**

- (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 and submit the same to **Health Department**;
- (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 as determined by the Accountant General Sindh and in consultation with **Health Department**;
- (ix) to lay down its own rules of procedure with approval of Government;
- (x) to formulate special pay and allowances for those professionals working in the Institute opting for not practicing privately as determined by the Board;
- (xi) to appoint committees or sub-committees as deemed fit for carrying out the purpose of this Act; and
- (xii) to delegate any of its powers to the Executive Director, excepting the approval of budgetary estimates.

11. (1) 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 the sole judge and whether a question is a policy and the Board shall be bound to carry out such directions. **Government guidelines.**

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

12. (1) The Board shall meet at least quarterly in a year with a gap of at least three months on the dates to be fixed by the Executive Director in consultation with the Chairperson. **Meetings of the Board.**

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

(2) The Chairperson shall preside over the meeting.

(3) In the absence of the Chairperson, the meeting may be presided over by the Vice-Chairperson and in the absence of both, by the member appointed by the members present in the scheduled meeting.

(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 Chairperson shall have and exercise a casting vote in the case of a tie.

(6) The Executive Director being the Secretary of the Board shall record the minutes of meeting which shall be submitted by him at the next meeting for confirmation.

13. (1) The Executive Director of the Institute shall be eminent academic & distinguished fellow in physical medicine and rehabilitation physiatrist to be appointed by the Chief Minister, for a period of four years, which may extend for one more term on such terms and conditions as the Chief Minister may determine;

**Executive
Director of the
Institute.**

Provided that the Director of the Institute of Physical Medicine and Rehabilitation, Dow University of Medical and Health Sciences shall be the First Executive Director of the Institute.

(2) The professional and academic qualifications, experience and age for the post of Executive Director shall be such as may be determined by the Board.

(3) 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 after giving him an opportunity of show cause against such removal.

(4) The Executive Director may avail leave with the permission of the Chief Minister or any other authority duly authorized by the Chief Minister on his behalf.

14. (1) The Executive Director shall be the academic and executive 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 of
Executive
Director.**

- (i) to keep in custody the record and seal of the Institute;
- (ii) to undertake and authorize payment 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 shall ensure that the provisions of the Act, rules and regulations are faithfully observed;
- (iv) to sanction or re-appropriate an amount not exceeding ~~five~~ **five** lacs ~~(five hundred thousand only)~~ rupees during the fiscal year for an unseen item not provided in the budget and submit report to the Board in this behalf in its next meeting;
- (v) to prepare budget estimates and supplementary budget estimates and place the same before the Board for approval and subsequently its submission to **Health Department**;
- (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 and submit report thereof to **Board**;
- (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;

- (xi) to execute deeds and documents on behalf of the Board; and
- (xii) to perform any other duties which 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, allow expenditure on items of civil works, capital expenditures equipment or automobiles.

(3) The Executive Director shall be ex-officio member of a committee or sub-committee set up by the Board and shall preside over meetings of such committees.

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

(5) 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.

15. (1) The Institute shall have an Academic Council which shall perform such functions as may be assigned to it by the Board under this Act, rules or regulations. **Academic Council.**

(2) The Academic Council shall consist of the Executive Director who shall be the Chairperson and all Professors and Associate Professors of the Institute.

(3) The Academic Council may associate such other experts related to the physical medicine and rehabilitation, Orthopedics, traumatology, rehabilitation and emergency medicine and allied health sciences as it may consider necessary.

(4) The meetings of the Academic Council 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.

(6) The Academic Council shall look after all academic, research activities and update the curriculum, instruction, policies for trainees and students, and evaluate its progress.

(7) The Academic Council shall appoint a Research Ethics Committee to assure the appropriate steps taken to protect the rights, ethical issues and welfare of human participating as 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.

16. (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 by rules.

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

(2) The Board may engage such consultants or experts as it considers necessary for efficient performance of the functions of the Institute.

17. (1) There shall be a Selection Board consisting of the Chairperson of the Board, Executive Director and such other members as the Board may appoint.

Selection Board.

(2) The Selection Board shall select the persons for appointment to the posts of senior medical and technical posts including the posts of technicians, nurses, paramedical and such other ministerial staff.

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

(4) A member of the Selection Board, other than ex-officio member, shall hold office for two years.

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

18. (1) There shall be separate fund of the Institute known as the Sindh Institute of Physical Medicine and Rehabilitation Fund which shall be non-lapsable Fund except the single line annual grants by Government which shall form part of the Fund and shall be lapsable.

Fund.

(2) The Fund shall consist of -

- (a) single line annual grant received from Government;

- (b) grant[s] and subsidy received from the Federal and other Provincial Governments, Local Governments;
- (c) donations or contributions received or generated from private persons or public, local, foreign or international organizations, donations endowments and deposits and 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;
- (f) all moneys received from any donor agency of Pakistan or foreign origin.

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

Crediting of the funds.

20. The Board may invest its Fund in any security of the Federal Government or Provincial Government or any other security approved by Government.

Investment and utilization of the Funds

21. (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 in such 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.

Maintenance of accounts and audit of accounts.

(2) The accounts of the Institute shall be audited once a year by one or more Auditors who are Chartered Accountants within the meaning of the Chartered Accountants Ordinance, 1960 (X of 1961) appointed by the Board or the accounts shall be audited by the Auditor to be appointed by the Institute in consultation with the Accountant General of Sindh.

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

22. 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.**

23. 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 shall be the co signatory along with Institute.

**International
Cooperation.**

24. If any difficulty arises in first implementation of the provisions of this Act, Chief Minister may, on the recommendation of Chairperson or otherwise, give appropriate direction to remove such difficulty.

**Removal of
difficulties.**

25. 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**

26. No suit or legal proceeding shall lie against Government, the Board, the Institute 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**

27. Government may make rules for carrying out the purposes of this Act. **Power to make rules.**

28. Subject to approval of Government, the Board may, by notification in the official gazette, make regulations not inconsistent with the provisions of this Act for carrying out purposes of this Act. **Power to make regulations.**

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**