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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 05TH JULY, 2022.

NO.PAS/LEGIS-B-26/2021-The Sindh Institute of Advanced Endoscopy and Gastroenterology Bill, 2021 having been passed by the Provincial Assembly of Sindh on 13th June, 2022 and assented to by the Governor of Sindh on 29th June, 2022 is hereby published as an Act of the Legislature of Sindh.

THE SINDH INSTITUTE OF ADVANCED ENDOSCOPY AND
GASTROENTEROLOGY ACT, 2021

SINDH ACT NO. V OF 2022.

AN
ACT

to provide for the establishment of an Institute known as the Sindh Institute of Advanced Endoscopy and Gastroenterology at Karachi.

WHEREAS it is expedient to provide for the establishment of an Institute known as the Sindh Institute of Advanced Endoscopy and Gastroenterology at Karachi to meet the challenges of increasing number of complicated disease of gastroenterology in accordance with the standard criteria of international level, 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 Advanced Endoscopy and Gastroenterology Act, 2021. **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) "Department" means the Health Department; Sindh

(v) "Executive Director" means the Executive Director of the Institute;

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

(vii) "Institute" means the Sindh Institute of Advanced Endoscopy and Gastroenterology at Karachi established under section 3;

(viii) "Member" means a member of the Board;

(ix) "prescribed" means prescribed by rules or regulations;

(x) "rules" and "regulations" means rules and regulations, respectively made under this Act;

(xi) "Selection Board" means the Selection Board of the Institute;

(xii) "student" means student of the institute; and

(xiii) "Vice-Chairperson" means Vice-Chairperson of the Board.

3. (1) An Institute to be called the Sindh Institute of Advanced Endoscopy and Gastroenterology at Karachi, shall be established by reconstituting and re-organizing the Institute of Advanced Endoscopy and Gastroenterology Institute Old Surgery Ward, Civil Hospital Karachi or any other place designated by the department. **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 and provide trainings of **medics** and **paramedics** in the field of gastroenterology of national and international level.

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 Advanced Endoscopy and Gastroenterology Institute Old Surgery Ward, Civil Hospital Karachi and all assets and liabilities legally subsisting against it shall stand transferred to the Institute.

Property and persons.

(2) All persons serving in the Institute of Advanced Endoscopy and Gastroenterology Institute Old Surgery Ward, Civil Hospital Karachi **and satellite centers linked with the Institute**, 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, **shall** stand transferred for service to the Institute.

(3) The option under sub-section (2) shall be exercised and submitted to Government through the Health Department, as the case may be, within ninety days of the commencement of this Act **or the notification of designated satellite center** and the option so exercised shall be final.

(4) All persons serving in the Institute of Advanced Endoscopy and Gastroenterology Institute Old Surgery Ward, Civil Hospital Karachi 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 rules or regulations as the Institute may make; provided that such rules or 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 **the department** or any authority subordinate to it;

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

(6) The persons transferred under sub-section (2) shall be entitled to receive from Government 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 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 **the department** may authorize in this behalf.

(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 undertake treatment and acquire latest physical facilities necessary for carrying out investigation and treatment of various diseases of gastroenterology liver diseases and advanced endoscopy;
- (ii) to develop methodology and standardize technique for investigation and treatment of disease in the field of gastroenterology, liver diseases and advanced endoscopy;
- (iii) to provide the optimum, emergency and subsequent definite treatment of gastroenterology related problems and complications referred from Karachi, other districts of the Province and outside the Province of Sindh;
- (iv) to undertake teaching in the principles of advanced endoscopy and gastroenterology with emphasis to transform skills and impart knowledge in view of new innovations to doctors, nurses, paramedical technologists, biomedical technologist and other allied members;
- (v) to undertake postgraduate teaching programmes such as FCPS, M.S, M.D., Ph.D. and other diplomas, in the field of gastroenterology liver disease and endoscopy in collaboration with the College of Physicians and

Surgeons Pakistan or University of Medical or Health Sciences recognized by the Higher Education Commission or Pakistan Medical Dental Council/**or PMC or any other medical 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 nursing and paramedical staff including technicians both graduates and postgraduates in the field of gastroenterology liver diseases and endoscopy;

(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 as defined in clause (i);

(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;

(x) to organize seminars, conferences, CME workshops and courses to transform knowledge, skill of new innovations and to promote co-operation with national and international agencies, organization, intuitions, fellowship colleges and universities in activities falling within the purview of the Institute;

(xi) to establish satellite centres of the Institute for treatment of various diseases of gastroenterology liver diseases and endoscopy at feasible or suitable places in the Province of Sindh;

(xii) 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 **gender** of whatever religion, race creed, caste **or** 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.**

7. (1) **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 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 time specified, take action or the action taken is not to the satisfaction of the Patron, the Patron may issue such directions as he deem 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:-

- | | |
|---|------------------------------|
| (i) Minister Health | Chairperson |
| (ii) Secretary, Health Department,
Government of Sindh. | Vice-
Chairperson |
| (iii) Secretary Finance, Government of
Sindh | Member |
| (iv) Vice Chancellor of the Dow University
of Health Sciences. | Member |
| (v) Two Members of Provincial Assembly
of Sindh, one from treasury and one
from Opposition benches, to be
nominated by the Speaker Sindh
Assembly. | Members |
| (vi) Chairman/President, Negaiban (NGO)
supporting the gastroenterology
patients | Member |
| (vii) Three private members preferably
belonging to the field of medical
sciences, social sciences,
philanthropy, law, business
community and financial
management, to be nominated by the
Chief Minister | Members |
| (viii) 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 appointing or nominating authority 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 appointing or nominating authority 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 forgoing 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 through Health Department 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 requirements duly approved by Government;

(v) to prescribe terms and conditions of the services of the teaching and non-teaching staff of the institute with the approval of 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 the Pakistan Medical and Dental Council/**PMC** and/or Higher Education Commission **or any other medical regulatory body;**

(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 **the** 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 in consultation with **the Department;**

(ix) to lay down its own rules of procedure for conduct its affairs with the approval of Government;

(x) to formulate special pay and allowances for those professionals working in the Institute opting for not practicing privately and to those who opt to work as part-time at the Unit, as may be 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 **the department** 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 twice 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 Chairperson shall have the authority to provide administrative, financial and technical guidance to the Executive Director. **Powers of Chairperson of the Board.**

(2) The Chairperson on behalf of the Board shall provide regular updates to the Patron regarding affairs of the Institute.

14. (1) The Executive Director of the Institute to be appointed by the Chief Minister on the prescribed terms and conditions, shall possess the postgraduate higher qualification from a University or College of Physician and Surgeon established by a law of Pakistan or University or college of International repute and shall have the experience in the field of gastroenterology liver diseases and advanced endoscopy, with additional experience in the management of reputed advanced endoscopy facility:

**Executive
Director of the
Institute.**

Provided that the Professor of the Institute of Advanced Endoscopy and Gastroenterology Institute Old Surgery Ward, Civil Hospital Karachi who is providing pro bono basis services shall be the First Executive Director of the Institute.

(2) The Executive Director appointed under sub-section (1) shall hold office for a period of four years, which may be extended for one more term on such terms and conditions as the Chief Minister may determine.

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

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

(5) The Executive Director may avail leave with the permission of the **department** or any other authority duly authorized by the **Chairperson of the Board** in this behalf.

15. (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 this Act, the rules and regulations are faithfully observed;

(iv) to prepare budget estimates and supplementary budget estimates and place the same before the Board for approval and subsequently its submission to **the department;**

(v) to pass payment of bills, under any head of the budget duly approved and authorized;

(vi) 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;

(vii) to take steps for the implementation of decisions of the Board and submit report thereof to **the department;**

(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 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 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.

16. (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 field of gastroenterology liver diseases and advanced endoscopy, medicine, surgery, radiology and pathology 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/**PMC** from time to time.

17. (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 and until such rules are framed as may be determined by the Board.

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.

18. (1) There shall be a Selection Board consisting of the Executive Director who shall be its Chairperson 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.

19. (1) There shall be separate fund of the Institute known as the Sindh Institute of Advanced Endoscopy and Gastroenterology Fund.

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;

(d) donations, endowments and income from investment and deposits;

(e) loans raised or aid obtained by the Institute;

(f) fees, royalties on publications of the Institute and other charges for services rendered by the Institute;

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

(3) The Fund of the Institute shall be non-lapsable except the single line annual grants made by Government.

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

Crediting of the funds.

21. 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.

22. (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 **independent** Auditors who are **amongst top-ten** Chartered Accountants within the meaning of the Chartered Accountants Ordinance, 1960 (X of 1961) appointed by the Board **and** 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 **independent** Auditor **and the Accountant General of Sindh** for consideration of the Board for such action as deemed necessary.

23. The Executive Director shall submit, with the approval of Board, to Government through Health Department, such periodical returns, annual, accounts statements and statistics or information as may be required by Government.

**Annual reports,
annual accounts
and periodical
returns.**

24. The Institute may, with the approval of **Patron** 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, **department** will be the co-signatory along with Institute.

**International
Cooperation.**

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

**Removal of
difficulties.**

26. 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.**

27. 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.

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

29. 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 MADAM ACTING SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

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