

5/8/15

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON THE PAKISTAN HEALTH RESEARCH COUNCIL BILL, 2015.

I, the Chairman of the Standing Committee on National Health Services, Regulation and Coordination have the honor to present, this report on the Bill to provide for reconstitution and re-organization of the Pakistan Health Research Council [The Pakistan Health Research Council Bill, 2015] referred to the Committee on the 9th February, 2015.

2. The Committee comprises the following members:

1.	Mr. Khalid Hussain Magsi	Chairman
2.	Dr. Zulfiqar Ali Bhatti	Member
3.	Dr. Muhammad Afzal Khan Dhandla	Member
4.	Dr. Nisar Ahmad Jatt	Member
5.	Choudhry Muhammad Shahbaz Babar	Member
6.	Dr. Hafeeq-ur-Rehman Khan Drishak	Member
7.	Dr. Ramesh Kumar Vankwani	Member
8.	Ms. Rida Khan	Member
9.	Ms. Shakila Luqman	Member
10.	Ms. Shaista Pervaiz	Member
11.	Ms. Zahra Wadood Fatemi	Member
12.	Dr. Azra Fazal Pechuho	Member
13.	Mir Aijaz Hussain Jakhrani	Member
14.	Dr. Mahreen Razaque Bhutto	Member
15.	Dr. Muhammad Azhar Khan Jadoon	Member
16.	Col. (Retd) Dr. Amirullah Marwat	Member
17.	Dr. Nikhat Shakeel Khan	Member
18.	Qari Muhammad Yousaf	Member
19.	Syed Ghazi Gulab Jamal	Member
20.	Mr. Abdul Qahar Khan Wadan	Member
21.	Ms. Szira Afzal Tarar,	Ex-officio Member
	Minister of State for National Health Services, Regulations & Coordination	

3. The Committee in its meeting held on 16th June, 2015 considered the above Bill in detail and approved the same unanimously. Therefore, the Committee recommends that the Bill as introduced in the National Assembly (Annexure-A) may be passed by the National Assembly.

sd/-

KHALID HUSSAIN MAGSI
Chairman

sd/-

MOHAMMAD RIAZ
Secretary

Islamabad, the 25th June, 2015

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A BILL

to provide for reconstitution and re-organization of the Pakistan Health Research Council

WHEREAS it is expedient to reconstitute and reorganize the Pakistan Medical Research Council with the name of Pakistan Health Research Council by providing administrative and financial autonomy for its efficient functioning;

It is hereby enacted as follows:

CHAPTER-I- PRELIMINARY

1. **Short title, extent and commencement:** - (1) This Act may be called the Pakistan Health Research Council Act, 2015.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Board" means the Board of Governors constituted under section 5;

(b) "Chairman" means the Chairman of the Board;

(c) "Council" means the Pakistan Health Research Council;

(d) "Executive Committee" means the Executive Committee constituted under section 9;

(e) "Executive Director" means the Executive Director of the Council appointed under section 14;

(f) "Fund" means the Medical Research Fund established under section 16;

(g) "Finance & Resource Development Committee" means the Finance & Resource Development Committee constituted under section 13;

(h) "Grants" means financial aid or other forms of assistance as explained in section 16(2)(b)

(i) "Fees" means subscription charges and any other payments as enumerated in section 16(2)(c)

(j) "Donations" means voluntary gift/carity as defined under 16(2)(a)

(k) "Endowments" means a fund as described in section 17;

(l) "Scholarships" means financial support on the basis of academic/research related progress;

(m) "Fellowship" means association or companionship between individuals or organizations;

(n) "Aid" means financial assistance as described in section 16(2)(b)

(o) "Health" means a state of complete physical, mental, social and spiritual well being and not merely the absence of disease or infirmity;

- (p) "health research" means a process for obtaining systematic knowledge that may be applied to improve the health of individuals and populations;
- (q) "prescribed" means prescribed by rules;
- (r) "rules" means rules made under this Act; and
- (s) "Technical Advisory Committee" means the Technical Advisory Committee of the Council constituted by the Board under section 11.

CHAPTER-II- ESTABLISHMENT OF THE COUNCIL

3. Establishment of the Council:- (1) As soon as may be after the commencement of this Act, the existing Pakistan Medical Research Council shall, by notification in the official Gazette, be reconstituted and reorganized to be called the Pakistan Health Research Council.

(2) The Council shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of the Act, to acquire, hold and dispose of property, both movable and immovable and shall by the said name sue and be sued.

(3) The headquarters of the Council shall be at Islamabad.

CHAPTER-III - FUNCTIONS AND POWERS OF THE COUNCIL

4. Functions and powers of the Council:- (1) The functions and powers of the Council shall be:-

- (a) to promote, organize, coordinate, and conduct scientific research in the fields of health including allopathy, Homeopathy, Harbal, unani, iovadic and traditional medicine;
- (b) to ensure that health research is relevant to the problems and issues of health in Pakistan within the framework of national, legal, socio-economic development;
- (c) to facilitate development of institutional capacity for research including training of manpower;
- (d) to organize and facilitate utilization of results of the research;
- (e) to advise the Federal and Provincial Governments and any other relevant body/organization on matters related to health research;
- (f) to establish, strengthen and expand information resource for support of research;
- (g) to sensitize the public through information dissemination of the findings of health related research through publications, conferences, seminars, media and meetings;

- (h) to provide financial support for health research through grants and fellowships;
- (i) to establish linkages with national and international research institutions, bodies and organizations as well as relevant community groups and agencies; and
- (j) To develop financial and other resources for its functions and for the support of research.

CHAPTER-IV- ORGANIZATION OF THE COUNCIL

5. Board. - (1) The overall control and superintendence of the affairs of the Council shall vest in a Board which shall consist of the following, namely:-

a) The Chairman who shall be the Minister or in his absence the Minister of State or Advisor of the administrative ministry or in their absence, as the case may be, the Secretary of the administrative ministry	Chairman
b) Secretary of the administrative ministry	Member
c) Secretary Finance Division	Member
d) Secretary Planning and Development Division	Member
e) Executive Director, National Institute of Health, Islamabad	Member
f) Chairman, Pakistan Science Foundation, Islamabad	Member
g) Executive Director, Health Services Academy, Islamabad	Member
h) One (Four) Head of Medical College/University (Institution) (from each Province and Gilgit/Baltistan) where PMRC Research Centers are located to be nominated by the Provincial Government	Members
i) Principal, Army Medical College, Rawalpindi	Member
j) The Executive Director, National Institute of Population Studies	Member
k) Dean Research, the Aga Khan University, Karachi	Member
l) Private Medical Colleges recognized by Pakistan Medical and Dental Council (10 years recognition) (1 from each Province to be nominated by the Federal Government.	Members
m) President, Pakistan Pharmaceutical Manufacturing Association	Member
n) Rector, Hamdard University, Karachi	Member
o) Shaheed Suhrawardy Hospital, Lahore	Member
p) Cancer Foundation, Karachi-Iqbal Foundation, Karachi	Member
q) Executive Director, PHRC	Member

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

6. Functions of the Board.- (1) The functions of the Board shall be:-

- (a) to formulate policy on health research;
- (b) to review and monitor the performance of the Council;
- (c) to recommend to the Federal Government some of this Act to appoint necessary officers and employees and to fill casual posts or such other and contingencies as may be provided by the Government.

Provided that the contract appointments shall be regulated by the special instructions of the Federal Government, issued from time to time and appointment to the post with emoluments equivalent to or higher than those of BS-20 shall be made only after approval of the Federal Government.

- (d) to approve annual budget; and
- (e) to make recommendation to the Federal Government for appointment of Executive Director.

(2) In the discharge of its functions, the Board shall be guided on questions of policy by the instructions, if any, given to it from time to time by the Federal Government which shall be the sole judge as to whether a question is a question of policy.

7. Meetings of the Board.- (1) Meetings of the Board shall be called by the Chairman or the Board provided that not less than two meetings shall be held in a year. The meetings shall be presided over by the Chairman and in his absence by the Minister of State or Advisor of the administrative ministry or in their absence the Secretary of the administrative ministry.

(2) One-third of the total membership of the Board shall constitute the quorum. All decisions shall be taken with majority votes of the members present and in case of a tie (equality of votes), the person presiding over the meeting shall have the casting vote.

8. Submission of periodical reports, etc.- (1) The Council shall submit to the Federal Government annual report on the conduct of its affairs for the preceding year, as early as possible.

but not later than the last day of December next.

(2) The Council shall render to the Federal Government information, comments and advice on any specific point as may be asked for

9. **Executive Committee.-** There shall be an Executive Committee which shall consist of following members namely:-

- | | | |
|-------|--|------------------|
| (i) | Secretary of the Ministry | Chairman |
| (ii) | Planning & Development Division Representative | Member |
| (iii) | Finance Division Representative | Member |
| (iv) | Chairman, Pakistan Science Foundation | Member |
| (v) | One (Four) Head of Medical College/University (Institution) (from each Province and Gilgit Baltistan) where PMRC Research Centers are located to be nominated by Provincial Government | Member |
| (vi) | Executive Director, PHRC | Member Secretary |

10. **Functions of the Executive Committee.-** (1) Subject to the provisions of this Act and the rules and regulations made there under and the general or special directions of the Board, the Committee shall be the principal administrative body of the Council responsible for executing all policies and discharging all functions of the Council under this Act:

(2) Notwithstanding the provisions sub-section (1), the Executive Committee shall:

- (i) undertake regular review and evaluation of the research projects and the program to be launched and implemented by the Council; and
- (ii) execute the administrative, financial and research activities of the Council.

11. **Technical Advisory Committee.-** (1) There shall be a Technical Advisory Committee which shall consist of eight members including the Executive Director to be appointed by the Board. The Chairperson of the Committee shall be appointed by the Board.

(2) The members of the Committee shall be appointed on the basis of their experience in

health related fields.

- (3) The term of membership of the members shall be three years.
- (4) The meetings of the Committee shall be convened as and when required.

12. Functions of the Technical Advisory Committee. – (1) The functions of the Technical Advisory Committee shall be:-

- (a) to recommend to the Board through Executive Director research and development program and strategic plans of the Council along with budget estimates of these activities;
 - (b) to review outcome of research supported by the Council and to suggest methods for the utilization of the research by the health and other related sectors;
 - (c) to render advice and report on any technical matter referred to it by the Council;
 - (d) to identify and recommend to the Board through Executive Director suitable candidates as fellows, scholars and associates;
 - (e) to recommend to the Board appropriate policies for the support of the research activities undertaken by the Council including policies relating to inter-institutional relationship; and
 - (f) to act as a primary medium of communication between the Council and the research and academic community, informing the Board of issues, problems and research opportunities and in turn, helping to foster understanding within the research and academic community of the Council's aims and activities.
- (2) The committee with the approval of the Board makes regulations to carry out its functions.

13. Finance and Resource Development Committee.– (1) The Board shall appoint a Finance and Resource Development Committee consisting of four members which shall-

- (a) make recommendations to the Board on all financial matters of the Council including plans for resources development;
- (b) propose Council's budget to the Board;
- (c) prepare a report on financial aspects of the Council and submit the same to the Board through Executive Director; and
- (d) monitor implementation of plans duly approved by the Board for resources development.

14. Executive Director.- (1) The Executive Director shall be the Chief Executive of the Council, having qualifications and experience as may be prescribed, who shall be appointed by the Federal Government on the recommendations of the Board.

(2) The terms of office of the Executive Director shall be five years extendable for another term on the basis of performance.

(3) The Executive Director shall be responsible to the implementation of the decisions of the Board and he/she shall also administer the budget of the Council.

15. Validity of proceedings.- No act, proceedings or decisions of the Board, or any Committee, shall be invalid by reason only of the existence of a vacancy in, or any defect in the constitution of the Board or, as the case may be, the Committee.

CHAPTER-V.- FINANCE AND RESOURCE DEVELOPMENT

16. Establishment of Medical Research Fund.- (1) There shall be established a fund to be called the Medical Research Fund which shall be non-lapsable. All receipts of the Fund shall initially be credited to the Fund. The amounts for the expenditures related to the operation of the Council, shall be drawn from the Fund as may be prescribed.

(2) The Fund shall have the following sources, namely:-

- (a) donations, contributions, subscriptions, aid and grants made by the donors;

(b) aids, grants or other form of assistance by the Federal Government or a Provincial Governments or any of the foreign Government, national and international institutions, organizations and agencies;

(c) fees, subscriptions, charges and any other payments for any service rendered, such as training, institutional consultancies, sale proceeds, royalties on publications, commission and receipts from any other source; and

(d) income from any investment and deposits.

17. Endowments.- (1) The Council shall arrange funds for creating an endowment fund. The Council shall invest this fund and savings from other sources in any security approved by the Federal Government to create income to be utilized for funding the Council's program. The income so received shall be utilized up to a maximum of fifty percent and the balance fifty percent shall be reinvested to offer protection for the endowment from complete erosion due to inflation. The distribution of the income from the endowment for the fiscal year from July 1st to June 30th shall be based on the value of the total income received up to 31st day of December of the calendar year preceding the fiscal year.

(2) The Council shall make rules for management and for the administration of the endowment fund and for the investment of the fund. These rules shall be subject to the approval of the Council.

18. Accounts and audit.- (1) The Head of Finance Department of the Council, as may be prescribed, shall submit annual financial statements to the Finance and Resource Development Committee which shall make its recommendation to the Board. These statements shall include the estimated receipts and expenditure and the sums which are likely to be received for the coming financial years.

(2) The Council shall cause an audit of the accounts of the Council to be conducted by an auditor appointed by the Council. The auditor shall submit a report to the Council on the accounts of the Council for each financial year.

(3) The Fund shall be kept in the Personal Ledger Account of the Council with the National Bank of Pakistan.

(4) The accounts of the Council shall be audited by the Auditor General of Pakistan on yearly basis.

CHAPTER-VI- MISCELLANEOUS

19. Quorum for meetings of the Committees.- The quorum for the meetings of all the committees shall be one-half of their total membership. All decisions shall be taken with majority votes of the members present and in case of difference of opinion, the person presiding over the meeting shall have casting vote.

20. Officers and employees of the Council.- (1) The officers and employees who were appointed on regular basis in the Pakistan Medical Research Council before its reconstitution and reorganization as Pakistan Health Research Council shall stand transferred and absorbed into, and become employees of the Council.

Provided that the civil servants appointed on deputation in the Pakistan Medical Research Council before its reconstitution and reorganization as Pakistan Health Research Council shall upon their transfer to the Council continue to be governed by the Civil Servants Act, 1973 (LXXI of 1973), except those who may opt for absorption in the employment of the Council in pursuance of sub-section (2).

(2) A civil servant appointed on deputation in the Pakistan Medical Research Council shall be given right to exercise option for such absorption within a period of six months from the commencement of this Act.

21. **INDEMNITY.**- No suit, prosecution or other legal proceedings shall lie against the Council, any member, officer or staff of the Council or anything done or intended or purported to be done in good faith under this Act or the rules made there-under.

22. **Power to make rules.**- The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act including rules to regulate the financial and administrative matters related to the Council.

23. **Removal of difficulties.**- If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order, not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

**Statements of Objects and Reasons: Promulgation of Pakistan
Health Research Council Act**

The Pakistan Medical Research Council (PMRC) is an autonomous organization established under Resolution bearing SRO No. 332 (K) 62, dated 17.03.1962 and was reconstituted by Resolution No. 3(2)84-PMRC dated 14.07.1985.

2. Supreme Court of Pakistan in appeal No. 154 of 1988, directed that bodies set up through Resolutions are not bodies corporate, but are Government departments and their employees are civil servants. In order to give legal status of bodies corporate, Establishment Division issued a procedure for implementation by the concerned Ministries/Divisions.

3. In order to carry out its mandate and academic based research pursuits effectively, the erstwhile Ministry of Health agreed that PMRC should continue as an autonomous organization. However, it may be re-named as the Pakistan Health Research Council (PHRC). The Management Services Wing of the Establishment Division has also agreed to the re-constitution of PMRC as PHRC with a legal status of body corporate through an Act of the Parliament. Consequently, the bill has been prepared.

4. The bill seeks to achieve the aforesaid objects.

MRS. SAIRA AFZAL TARRAR,
Minister of State
for National Health Services,
Regulation and Coordination