

The Gazette of Pakistan



**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, MONDAY, MARCH 5, 2018

PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 16th February, 2018

No. F.22(41)/2017-Legis.—Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following reports of the Standing Committee, presented to the National Assembly on 16th February, 2018 are published for information:-

**REPORT OF THE STANDING COMMITTEE ON
NATIONAL HEALTH SERVICES, REGULATIONS AND
COORDINATION ON THE ISLAMABAD HEALTH-CARE
REGULATION BILL, 2017**

I, Chairman of the Standing Committee on National Health Services, Regulations and Coordination, have the honor to present this report on a Bill to provide for establishment of the Islamabad Health-care Regulatory Authority [The Islamabad Health-care Regulation Bill, 2017] (Government Bill) referred to the Committee on 03-11-2017

601(1—62)

Price: Rs. 80.00

2. The Committee consists the following:-

(1)	Dr. Hafeez-ur-Rehman Khan Drishak	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. Ramesh Kumar Vankwani	Member
(7)	Ms. Rida Khan	Member
(8)	Ms. Shakila Khalid Luqman	Member
(9)	Ms. Shaista Pervaiz	Member
(10)	Ms. Zahra Wadood Fatemi	Member
(11)	Dr. Azra Fazal Pechuho	Member
(12)	Mir Aijaz Hussain Jakhrani	Member
(13)	Dr. Mahreen Razaque Bhutto	Member
(14)	Dr. Muhammad Azhar Khan Jadoon	Member
(15)	Col. (Retd.) Dr. Amirullah Marwat	Member
(16)	Dr. Nikhat Shakeel Khan	Member
(17)	Qari Muhammad Yousaf	Member
(18)	Syed Ghazi Gulab Jamal	Member
(19)	Mr. Abdul Qahar Khan Wadan	Member
(20)	Ms. Saira Afzal Tarar, Minister for National Health Services, Regulations and Coordination	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly, placed at Annex-A, in its meeting held on 05-01-2018 and recommends that the Bill may be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN),
Secretary.

Sd/-
(DR. HAFEEZ-UR-REHMAN KHAN DRISHAK),
Chairman.
Standing Committee on National Health Services,
Regulations and Coordination.

Islamabad, the 31st January, 2018

Annex-“A”

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to provide for establishment of the Islamabad Health-care Regulatory Authority

WHEREAS it is expedient to provide a regulatory framework to ensure provision of quality Health-care services, by implementing quality standards by the Health-care sector, to residents of the Islamabad Capital Territory and where as it is expedient to establish the Islamabad Health-care Regulatory Authority for aforesaid purpose and to provide for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

CHAPTER I

INTRODUCTION

1. **Short title, extent, commencement and application.**—(1) This Act may be called the Islamabad Health-care Regulation Act, 2017.

(2) It extends to the whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

(4) It shall apply to all Health-care establishments in the Islamabad Capital Territory.

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

- (i) “accreditation” means systemic quality improvement process which ensures that services provided meet the notified practices;
- (ii) “assessor” means an expert or group of experts commissioned by the Authority or any other recognized institution or organization for assessment of quality or a Health-care establishment;
- (iii) “allied health professional” means a person who assists in providing, services for diagnostic, therapeutic, preventive, curative

and rehabilitative field in health care delivery system and has qualified a prescribed course of training in an recognized institution having recognition from their respective council;

- (iv) "allopathic" means a system of medical practice that aims to combat disease by use of remedies, as drugs or surgery, producing effects different from or incompatible with those produces by the disease being treated;
- (v) "alternative medicine system" means *unani, tibb, ayurveda*, homoeopathic, acupuncture or any other recognized system of treatment of diseases in Pakistan;
- (vi) "Authority" means Islamabad Health-care Regulatory Authority established under section 3;
- (vii) "Board" means the board of the Authority constituted under section 5;
- (viii) "Chairperson" means the Chairperson of the Board;
- (ix) "chief executive officer" means the chief executive officer of the Authority;
- (x) "council" means the Pakistan Medical and Dental Council, the Pakistan Nursing Council, the National Council for Homeopathy, the National Council for Tibb, the Pharmacy Council or such other Councils established by Federal Government to regulate various cadre of Health-care professional and notified in official Gazette under this clause;
- (xi) "Council for Homeopathy" means the National Council for Homeopathy established under the *Unani, Ayurvedic* and Homocopathic Practitioners Act, 1965 (II of 1965);
- (xii) "Council for Tibb" means the National Council for Tibb established under the *Unani, Ayurvedic* and Homoeopathic Practitioners Act, 1965 (II of 1965);
- (xiii) "equipment" includes all electrical, electronic, mechanical, laser, scanning, x-ray, imaging, analyzing and testing machinery, equipment, device, tools, apparatus, including various utensils and related material and chemical or other substances which are used to determine the performance, functionality, disorder, ailment or any other effect on state of health of human;

- (xiv) "Fund" means the Islamabad Health-care Regulatory Authority Fund established under section 37;
- (xv) "Health-care establishment" means any premises used or intended to be used for the provision of Health-care services, including but not limited to a hospital, teaching hospitals, surgical centers, maternity homes, nursing homes, clinics, dispensaries, dentistry, dental clinics, clinical laboratories, x-ray laboratories, diagnostic centers, ambulatories, cosmetic centers, psychiatric hospitals, burn units, psychiatric nursing home, community mental health center, hemodialysis center, dialysis center, patient rehabilitation center, slimming clinic or center, hair transplant clinic, domiciliary care, home based services and such other Health-care or health-related premises as the Federal Government may, by notification in the official Gazette, specify;
- (xvi) "Health-care professional" means a medical practitioner and dentist registered with the Pakistan Medical and Dental Council, nurse, midwife, community midwife, female family workers or lady health visitor registered with the Pakistan Nursing Council, a *tabib* registered with the National Council for *Tibb* or homeopathic practitioner registered with the National Council for Homeopathy or pharmacist registered under the Pharmacy Council of Pakistan Act, 1967 (XI of 1967) or paramedic, allied health professional or physiotherapist, psychologist or any other person qualified and permitted by law to provide any medical, surgical treatment or other Health-care service as well as any person qualified to perform any health related test on human body or test any body fluid under a laboratory process and provide results of such test to confirm or determine any health condition or physical or mental ailment;
- (xvii) "Health-care services" include any medical, surgical, dental, allied health, ambulatory, patient accommodation, screening or diagnostic services, treatment of persons suffering from or believed to be suffering from any disease, injury, pain or disability of mind or body, burn or hurt treatment, wound dressing, physiotherapy, acupuncture, any service for curing, or alleviating any abnormal condition of human body or mind by application of any apparatus, equipment, instrument or device or any other medical technique or method, hemodialysis treatment, preventive or promotive health treatment, services at Health-care establishments by Health-care professional;
- (xviii) "in-charge of a Health-care establishment" means the owner or person responsible for management of day to day affairs of a Health-care establishment which are owned and operated by

private persons, natural or corporate, or Government in any premises;

- (xix) "inspection" means the inspection and examination of the Health-care establishment by an inspection team;
- (xx) "inspection team" means a team comprising more than two experts having relevant qualifications and experience constituted by the Registration Board;
- (xxi) "licence means a licence issued by the Authority under this Act for the use of any premises as a Health-care establishment to deliver Health-care services and "licensed" and "licensing" shall be construed accordingly;
- (xxii) "licensee" means a person to whom licence has been issued under this Act;
- (xxiii) "Medical and Dental Council" means the Medical and Dental Council constituted under the Medical and Dental Council Ordinance, 1962 (XXX II of 1962);
- (xxiv) "medical negligence" means any negligence by an act or omission of a Health-care professional in performing his duty. In medical negligence cases it has to be established that—
 - (a) there was a duty which the Health-care professional owed to the patient;
 - (b) there was a breach of duty;
 - (c) the breach resulted in injury to the patient; and
 - (d) the injury resulted in causing damage or death:
- (xxv) "Nursing Council" means the Pakistan Nursing Council established under the Pakistan Nursing Council Act, 1973 (XXVI of 1973);
- (xxvi) "notified practices" mean all such Health-care services provision, best measures, practices, protocols, standing operating procedures, medical and clinical hygiene standards or specifications, quarantine standards, patient handling and care standards and principles of medical ethics developed by national or international organizations collected and published by the Authority from time to time to act as a guiding document for service provision in a Health-care establishment;

- (xxvii) "patient data" means the details of a patient to whom any Health-care services are offered or provided in a Health-care establishment or by a Health-care professional, as the case may be, containing details of results of diagnosis of disease or ailment, tests or examinations conducted, medicines prescribed or administered, any surgical treatment or procedures performed as well as dates of admission and discharge of the patient etc.;
- (xxviii) "prescribed" means prescribed by rules or regulations made under this Act;
- (xxix) "quack" means any person who is rendering any Health-care services to a person without getting itself registered under respective Councils or otherwise not authorized or permitted by any law to offer or render such kind of Health-care services;
- (xxx) "registration" means registration under section 14;
- (xxxi) "regulations" means the regulations made under this Act;
- (xxxii) "rules" means rules made under this Act;
- (xxxiii) "Registration Board" means the Registration Board constituted under this Act for registration of Health-care establishments; and
- (xxxiv) "standards" means standards notified by the Authority for licensing of Health-care establishment.

CHAPTER II

ESTABLISHMENT, FUNCTIONS AND POWER OF THE AUTHORITY

3. Establishment of Islamabad Health-care Regulatory Authority.—(1) The Federal Government shall, within one month of the commencement of this Act and by notification in the official Gazette, establish the Islamabad Health-care Regulatory Authority which shall be responsible for implementation, administration and enforcement of this Act.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with powers to enter into contract, hold properties, sue and be sued by its name.

(3) The principal office of the Authority shall be at Islamabad.

4. **Powers and functions of the Authority.**—(1) The Authority shall have following powers and functions, namely:-

- (a) maintain register of all Health-care establishment;
- (b) set standards for registration and licensing of Health-care, establishments for the purpose of this Act;
- (c) registration of all Health-care establishments, health professional and equipment and their notification in the official Gazette;
- (d) issuance of licence for defining scope and extent of Health-care services to be provided by a Health-care establishment;
- (e) enforce minimum standards or safety for patient, Health-care professional and other staff in a Health-care establishment;
- (f) regulate Health-care establishments in accordance with standards and notified practices;
- (g) prepare and notify notified practices as a guiding document for service provision in a Health-care establishments;
- (h) inquire and investigate into violation of any of the provisions of this Act, by any Health-care establishment;
- (i) ensure compliance and implementation of provisions of this Act, rules and regulations made there-under and notified standards, by arranging periodical inspections and surprise visits by inspection committee;
- (j) provide guidelines to the Registration Board for grant, renewal, suspension or cancellation or registrations of Health-care establishments, its Health-care professional and equipment;
- (k) advise the Federal Government to prescribe rates of fee for various registrations or licensing, renewals, restoration or suspension of registrations or licensing or restoration of lapsed registration or licensing;
- (l) issue standing orders to ensure provision of quality Health-care services by Health-care establishments;
- (m) organize and arrange various educative programs, seminars, conferences and meetings;

- (n) take steps for coordination with Health-care establishments, for implementation or various health improvement, disease prevention, curative, rehabilitative and palliative programs;
- (o) acquire, own, possess, transfer or lease properties for purposes of this Act;
- (p) to propose regulations for appointment or termination of employees of the Authority, their terms and conditions of service including the welfare of employees;
- (q) prepare and implement annual plans;
- (r) approve annual accounts, budget and estimates of income and expenditure;
- (s) approve appointment of bankers and auditors;
- (t) develop and put in place various policies and measures to ensure elimination of quackery;
- (u) establish committees for assistance and advice to the Authority in relation to the performance of its functions and determine the membership, remuneration of members and terms of reference of each committee;
- (v) subject to other provisions of this Act, prepare and issue regulations, guidelines, instructions and directives to ensure implementation of this Act and notified practices;
- (w) take action against violation of any provision of this Act and regulations made thereunder on complaint by an aggrieved person;
- (x) to collaborate with international and national institutions, organizations and companies to secure their assistance, cooperation and support for improvement of Health-care establishments for provision of Health-care services;
- (y) exercise any powers and perform any functions as may be necessary for carrying out the purposes of this Act on the instruction of the Federal Government; and
- (z) delegate any of its functions to any person on such terms and conditions as may be specified.

(2) The Authority may exercise the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commissions for the examination of witnesses.

(3) The Authority shall not investigate or inquire into any matter *sub-judice* before a court of competent jurisdiction on the date of the receipt of a complaint.

(4) The Authority may authorize members of the staff to administer oaths and to attest various affidavits, of or declarations which shall be admitted in evidence in all proceedings under this Act.

5. **Board of the Authority.**—(1) The general superintendence, direction and management of affairs of the Authority and overall policy making in respect of its operations shall vest in the Board which may exercise all such powers and do all such acts, deeds and things that may be exercised or done by the Authority under this Act.

(2) The Federal Government shall notify the Board of the Authority which shall consist of nine members, seven of whom shall be nominated on the recommendation of the committee constituted under this Act and the remaining two members shall be nominated by the Federal Government.

(3) The Authority shall prescribe the remuneration payable to a member for attending a meeting of the Board.

(4) A decision of the Board shall not be valid if decided in a meeting, without quorum.

6. **Constitution of selection committee.**—(1) The selection committee shall consist of the following, namely:—

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| (a) two representatives of the Federal Government | <i>Member</i> |
| (b) Chief Commissioner, Islamabad | <i>Member</i> |
| (c) one chief executive of tertiary hospital | <i>Member</i> |
| (d) one representative of the private sector
Health-care establishments | <i>Member</i> |

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|---|--------|
| (e) one representative of the public sector
Health-care establishments | Member |
| (f) a representative of the general practitioners | Member |
| (g) a representative of the Council for Tibb | Member |
| (h) a representative of the Council for
Homeopathy | Member |
| (i) a representative of the Medical and Dental
Council | Member |
| (j) a representative of the Nursing Council | Member |
| (k) a representative from reputed national
civil society | Member |
| (l) a representative from patients or consumers
association | Member |

(2) The committee constituted under section (1) shall select its chairman from amongst its members.

(3) The committee shall determine areas of expertise and skills required for membership of the Board and develop detailed criteria for selection accordingly.

(4) The Federal Government shall nominate the members of the first selection committee and thereafter the following process shall be adopted for selection of members other than *ex-officio* members, namely:-

- (a) representative of the private Health-care establishment to be elected from amongst registered Health-care establishment;
- (b) Health-care establishment general practitioner to be elected from amongst registered practitioners with Authority; and
- (c) members under clauses (j) and (k) of sub-section (1) shall be elected in accordance with prescribed criteria.

7. Term of the Board and the committee members.—(1) A member of the Board shall hold office for a term of three years and shall be eligible for one second term.

(2) A member, other than *ex-officio* member, of the selection committee shall hold office for a term of three years and shall be eligible for nomination for one second term.

(3) In case of a vacancy of a member of the selection committee by death, resignation or disqualification under this Act, the Federal Government shall appoint a person as member in accordance with the provisions of this Act for the remainder of the term of the member who has died, resigned or

disqualified, as the case may be. The vacancy shall not be filled if remaining period thereof is less than four months.

(4) If a member remains on the Board or selection committee, as the case may be for less than eighteen months then the period shall not be counted towards term.

8. Disqualifications.—No person shall be, or shall continue to be, the Chairperson or a member of the Board who.

- (a) has tendered resignation and not withdrawn it within a period of thirty days;
- (b) is, or at any time has been, declared as insolvent by a court of competent jurisdiction;
- (c) is found to be of unsound mind by a court of competent jurisdiction; or
- (d) is, or has at any time been, convicted of any offence which, in the opinion of the Federal Government, is an offence involving moral turpitude;
- (e) absents himself from three consecutive meetings of the Board, without leave of absence.

9. Chairperson.—(1) the Chairperson of the Board shall be selected from amongst its members for a term or three years.

10. Functions and powers of the Board.—(1) The functions and powers of the Board shall be—

- (a) to provide leadership and oversight, formulate policy and set strategic direction;
- (b) to monitor performance and achievements of the Authority through regular review;
- (c) approval of annual operation plan and approve annual accounts, budget and estimates of income and expenditure;
- (d) appropriation of Fund according to need;
- (e) to approve the regulations of the Authority subject to other provisions of this Act;

- (f) to approve annual report of the Authority;
- (g) to approve and appoint bankers and auditors;
- (h) to handle and redress any complaint about the Authority;
- (i) to appoint full time chief executive officer, determine his terms and conditions of service;
- (j) authorize the chief executive to manage the affairs of the Authority and set performance targets for him;
- (k) in case of complaint and non-performance, to hold responsible the chief executive officer according to terms and conditions agreed; and
- (l) to regulate appointment, grades, appraisal, dismissal and terms and conditions of service of employees of the Authority.

(2) The Board shall establish committees for assistance and advice to the Board in relation to the performance of its functions and determine the membership, remuneration of members and terms of reference of each committee.

(3) The Chairperson shall convene meetings of the Board from time to time either himself or on the request of any member in writing for reason to be specified therein.

(4) The meeting of the Authority shall be presided over by the Chairperson, or in his absence, by a member to be elected by the members present at the meeting from amongst themselves.

(5) Two-third of the total members shall constitute quorum for a meeting of the Board.

(6) All decisions in the meeting shall be taken by majority of votes:

Provided that in the case of equality of votes the Chairperson shall have a casting vote.

11. **Delegation.**—The Board may, by general or special order, delegate to the Chairperson or a member or an expert, consultant, adviser or other officer of the Board or any other entity any or its functions or a part thereof under this Act subject to such conditions or restrictions as it may determine.

12. **Chief executive officer.**—(1) The Board shall appoint a person to be chief executive officer or the Authority having a minimum of fifteen years of

experience in hospital or public administration, public health, medicine, accounting, finance, law, regulation or other related field.

(2) The chief executive officer shall, subject to the supervision and control of the Board, administer the affairs of the Authority and may exercise such powers as are delegated to him by the Board.

(3) in particular, the chief executive officer may—

- (a) manage the administration, operations and functions of the Authority;
- (b) act as the principal accounting officer responsible and accountable for the management of the Authority's funds and assets;
- (c) prepare and present to the Board with strategic and operational plans for its review and appraisal;
- (d) assist the Board in strategic thinking, planning and implementing its policies;
- (e) protect the financial health of the Authority;
- (f) act as spokesperson of the Authority; and
- (g) provide leadership to the senior management and direction to all staff.

(2) The chief executive officer shall also act as the secretary to the Board.

13. Disqualifications of chief executive officer.—A person shall not be appointed or hold office as chief executive officer who—

- (a) is a member of the Federal or a Provincial legislature, local council or local body constituted under any law or has contested last general election;
- (b) is employed in any capacity in the service relating to the affairs of the Federation or a Province or holds any office for which salary or other remuneration is payable out of public funds;
- (c) is a director, officer or employee of any Health-care establishment;
- (d) is an owner of, or has a share in, any Health-care establishment;

- (e) has been convicted of tax evasion or for an offence involving moral turpitude; or
- (f) is in default of payments due from him, for more than one hundred and eighty days, to any bank, financial institution, cooperative society, governmental agency, department or corporation.

CHAPTER III

REGISTRATION OF HEALTH-CARE ESTABLISHMENTS

14. Regulation of provision of Health-care services.—(1) No Health-care establishment shall render any Health-care service unless it is registered with the Registration Board under this Act subject to the terms and conditions as the Registration Board may determine on case to case basis at the time of registration and no Health-care establishment shall render any Health-care services for which it is not licensed.

(2) No Health-care professional shall render Health-care services in a Health-care establishment unless he has a prior registration under respective Councils.

(3) A Health-care professional shall get himself registered with the Authority for rendering services in a Health-care establishment no Health-care professional shall render services in a field in which he is not registered with the Authority.

(4) No Health-care professional shall render Health-care services in a Health-care establishment for which he is not registered with the Authority.

15. Establishment of a Registration Board.—(1) There shall be established a Registration Board which shall be responsible for registration, renewal, suspension and cancellation of registrations of Health-care establishments, health professional and equipment.

(2) The Registration Board shall comprise of the following namely:-

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| (a) Director-General of Health | <i>Member</i> |
| (b) Chief Executive Officer of Islamabad Health-care Regulatory Authority | <i>Member</i> |
| (c) Chief executive of tertiary care hospital in Islamabad | <i>Member</i> |

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|-----|--|---------------|
| (d) | principal of a medical college nominated by the Federal Government | <i>Member</i> |
| (e) | a representative of private Health-care establishment sector nominated by the Federal Government | <i>Member</i> |
| (f) | District Health Officer, Islamabad | <i>Member</i> |

(3) District Health Officer Islamabad shall be the secretary of the Registration Board.

(4) The chairperson of the Registration Board shall be selected from amongst its members for a period of live years.

16. Powers and functions of the Registration Board.—(1) The Registration Board shall exercise powers and perform functions as provided hereinafter, namely:-

- (a) maintain and regularly update register of all Health-care, establishments;
- (b) grant, renew, suspend, cancel or revoke any registration of a Health-care establishment, subject to such terms and conditions as deemed appropriate and to vary or amend any terms and conditions thereof;
- (c) monitor and regulate the Health-care services quality levels and standards as may be prescribed through notified practices;
- (d) enquire and investigate into allegations or violation at any of the provisions of this Act, notified practices or terms and conditions of any registration by any Health-care establishment;
- (e) assess and collect fees and charges for registration, renewal, restoration of lapsed or expired registration as well as any inspections for registration of Health-care establishments, under this Act;
- (f) co-ordinate, liaison and supervise the exercise of various powers and discharge of various functions by the inspection committee;
- (g) co-ordinate with the Authority and submit report of its performance on quarterly basis; and

- (h) constitute a review committee and assign any task for resolution of any dispute in relation to report of inspection committee.

(2) In the performance of its functions, the Registration Board shall take into consideration the policy, guidelines, instructions, directives and orders issued by the Authority from time to time.

CHAPTER IV

REGULATION OF HEALTH-CARE

17. **Setting standards.**—(1) The Board shall constitute technical committees for laying down different standards for the purpose of measuring the quality of Health-care service for registration of the Health-care establishments, Health-care professional and equipment.

(2) The Board may constitute technical committees in other areas if it deemed necessary.

(3) The Board may constitute policy advisory committee comprising members of such institutions in health and other related sectors as it may deem appropriate.

18. **Establishment of inspection committee.**— There shall be established an inspection committee by the Registration Board which shall be responsible for conduct of pre-registration, post-registration, pre-renewal and other inspections of Health-care establishments, as and when deemed necessary or when so directed by the Registration Board or the chief executive officer.

19. **Members of the inspection committee.**—(1) The inspection committee shall consist of the following, namely:-

- (a) head of inspection committee who shall be nominated by the Registration Board from amongst its members;
- (b) subject specialists of a medical college or hospital, nominated by the Registration Board according to the scope of the services of the Health-care establishment being inspected;
- (c) professional auditor with training and experience in hospital quality auditing; and
- (d) executive director of a public hospital.

(2) The Registration Board shall develop a pool of experts from relevant field from which the members of an inspection team shall be chosen.

20. **Inspection Team.**—(1) The Authority may, by order in writing, appoint an inspection team to perform the functions and exercise the powers or the Authority for inspections under this Act, subject to such conditions and limitations as the Authority may specify in this behalf.

(2) The inspection team may inspect a Health-care establishment, equipment and Health-care services provided by the Health-care establishment for grant, renewal, suspension or cancellation of registration or licensing.

(3) The inspection team may inquire any case if there has been any instance or allegation of mal-administration, malpractice or failure in the provision of Health-care services against a Health-care establishment.

(4) The Authority may impose a fine which may extend to fifty thousand rupees upon a Health-care professional who:

- (a) refuses or fails, without reasonable cause, to furnish any information to the inspection team; or
- (b) gives any false or misleading information to the inspection team.

(5) Except in the case of a prosecution for an offence under this Act, a member of the inspection team shall not be bound to give evidence in any proceedings in respect of, or to produce any document containing, any information which has been obtained from any Health-care establishment in the course of carrying out any investigation, inspection, inquiry or performing any duty or function under this Act.

(6) A member of the inspection team shall not disclose any information at any forum which is contained in the medical record or which relates to the condition, treatment or diagnosis of any person as may have come to his knowledge in the course of carrying out any investigation, inspection, enquiry or performing any duty or function under this Act unless allowed in writing by the Authority.

21. **Registration.**—(1) An owner Health-care establishment shall, within a period or ninety days of the coming into force of this Act, apply therein in accordance with this Act for registration of its health establishment, Health-care professional working therein and equipment being used therein.

(2) A person seeking registration for its Health-care establishment, its Health-care professional and equipment shall make an application to the Registration Board in the prescribed form and accompanied by such particulars, documents and fee as the Authority may prescribe.

(3) The Authority shall within a period or not exceeding fourteen days of the receipt of application issue to the person a certificate of registration, if all requirement, under this Act are fulfilled, otherwise the applicant shall be considered as having provisionally registered for a period of three months.

22. **Licensing.**—(1) No Health-care establishment shall render any Health-care services unless duly licensed as such by the Authority.

(2) If a Health-care establishment is not licensed under this Act, the Authority may impose a fine which may extend to ten hundred thousand Rupees, upon the in-charge of the Health-care establishment.

23. **Application for licence.**— Within thirty days of the issuance of the certificate of registration or such other time as may be determined by the Authority, the Health-care establishment shall make an application, for a licence, to the Authority in the prescribed form which shall be accompanied by such particulars, documents and fees as the Authority may prescribe.

24. **Licensing procedure.**— (I) The Authority shall, on receipt of an application under section 23, complete with all requisite documents, issue a provisional licence to the Health-care establishment and shall, within a period of not exceeding thirty days from the date of acceptance of the application, issue the regular licence to the Health-care establishment.

(2) The Authority may, before issuing the licence, inspect the Health-care establishment which is to be licensed or cause such Health-care establishment to be inspected by an inspection team.

(3) A licence issued by the Authority, under this section,—

(a) shall be in such form as may be prescribed;

(b) shall be valid for a period of five years; and

(c) may be renewed upon expiry.

25. **Kinds of licences.**—(1) Every licence or a Health-care establishment shall specify the kind of Health-care establishment for which it is issued and the purposes of the Health-care establishment.

(2) A licensed Health-care establishment shall not be used for any purpose other than the purposes in respect of which the licence is issued and purposes incidental to such purposes.

(3) The Authority shall maintain a register of all licensed Health-care establishments and may enter in the register any necessary details or other particulars of the Health-care establishments.

26. **Revocation and suspension of licence.**—(1) The Authority may alter giving an opportunity of hearing revoke a licence if the licence has been obtained by fraud or mis-representation.

(2) The Authority may suspend a licence of a Health-care establishment if, it is satisfied that—

- (a) services provided by the Health-care establishment are not meeting minimum safety standards and that the services rendered are harmful;
- (b) cases of medical negligence, mal-administration, malpractices have been proved against the Health-care establishment; and
- (c) fails to comply with instructions and directions of the Authority.

(3) Where any contravention of this Act is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any director, manager, secretary or other officer or employee of the body corporate or any person who purported to act in any such capacity he as well as the body corporate shall be liable to pay fine for such contravention.

(4) Where it appears to the Authority that the circumstances of a case warrant action under any law, the Authority may refer such case to the concerned governmental authorities or law enforcement agencies for appropriate action under relevant laws.

27. **Quality improvement.**—(1) The Authority shall facilitate and support Health-care establishments for continuous quality improvement.

(2) The Authority shall develop and establish linkages with national and international relevant bodies or organizations for this purpose.

28. **Public sector registration.**—(1) The public sector Health-care establishments shall be deemed to have been registered under this Act.

(2) The Federal Government shall provide list public sector Health-care establishments with the scope and extent of services provided by each category of hospital or institution.

(3) The Federal Government shall be responsible to certify that its Health-care establishments meet minimum safety standards set by the Authority.

(4) The public sector Health-care, establishments shall apply for licensing of Health-care services being rendered by them.

CHAPTER V

OFFENCES, PENALTIES, PROCEDURE, COMPLAINTS AND ENFORCEMENT

29. **Penalties.**—(1) Notwithstanding anything contained in any other law, the Authority may, for contravention of a provision of this Act, rules and regulations, impose penalties which may extend to ten hundred thousand Rupees keeping in view gravity of the contravention.

(2) The Authority shall afford adequate opportunity of hearing to a person before imposing penalty under sub-section (1).

(3) If the complaint, submitted either by an aggrieved person or a Health-care professional, is proved false, the Authority may impose penalty which may extend to two hundred thousand Rupees upon the complainant.

(4) The Authority may revise the quantum of penalties under this section with the approval of the Federal Government.

30. **Offences.**—(1) Whoever himself or by any other person on his behalf establishes any Health-care establishment without registration or a licence shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one million Rupees or with both:

Provided that the Board shall cause to conduct an inquiry to calculate the degree of care, damage, diligence or negligence, within a period of ninety days, by such group consisting of experts of allopathic or alternative medicine system, as the case may be.

(2) Whoever obstructs an inspection in the exercise of any power conferred upon him by or under this Act or disobeys the lawful authority of any member of inspection team, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand Rupees or with both.

(3) The quackery by person who does not qualify to be registered or licensed under this Act shall be non-bailable and cognizable offence punishable with seven years of imprisonment or fine which may extend to two million Rupees or with both.

31. **Appeal.**—(1) An appeal may be made to the Authority against order of the Registration Board and to the Secretary, Ministry of National Health Services, Regulations and Coordination against order of the Authority within thirty days from the date of communication of the order.

- (2) An appeal maybe made by the person who is aggrieved by the—
- (a) refusal of the Authority to issue or renew a licence;
 - (b) decision of the Authority to suspend or revoke a licence;
 - (c) order of closing down of a Health-care establishment or making improvements in the Health-care establishment;
 - (d) order relating to equipment, apparatus, appliances or other things at a Health-care establishment; or
 - (e) imposition of fine by the Authority.

32. **Cognizance by court.**—(1) Save as provided in this Act, no court other than the Court of Sessions assume jurisdiction under this Act unless a complaint in writing is filled before the aforesaid court by the Authority

33. **Complaints.**—(1) The Authority shall investigate the complaints relating to Health-care establishment, Health-care professional, Health-care services and medical negligence.

- (2) The Authority shall define—
- (a) kinds of complaints;
 - (b) categories or different kinds of medical negligence; and
 - (c) mal-administration, malpractice and failure in provision of Health-care services.

(3) The recognized and known complications of a medical or surgical treatment are not considered as medical negligence.

34. **Procedure of investigation.**—(1) The Authority shall prescribe the procedure for the conduct of investigation to be carried out by the Authority under this Act.

(2) An aggrieved person may, within sixty days from the date of knowledge of the cause of action, file a complaint against a Health-care professional or Health-care establishment by submitting, an application in writing supported by an affidavit of the aggrieved person.

(3) The Authority shall not entertain an anonymous or pseudonymous complaint against a Health-care professional or Health-care establishment.

35. **Directions as to apparatus, appliance, equipment or products.**—Where, in the opinion or the inspection team, the use of any apparatus, appliance, equipment, instrument, product, goods or item or carrying out of any practice or procedure in a Health-care establishment is dangerous or detrimental to any person therein or otherwise unsuitable for the purpose for which it is used or carried out, he shall immediately report the matter in writing to the Authority along with the necessary details. On receipt of report the Authority may act in accordance with the provisions of this Act.

36. **Action done in good faith.**—No suit or other legal proceedings shall lie against the authority, board, technical advisory committee, chief executive officer, officers, inspection teams, advisers, consultants or agents or the Authority for anything done in good faith in the execution or purported execution of this Act, rules or regulations made thereunder.

CHAPTER IV

EMPLOYEES, FUND, BUDGET AND ACCOUNTS

37. **The Fund.**—(1) There shall be established a fund to be known as the Islamabad Health-care Regulatory Authority Fund, hereinafter referred to as the Fund, which shall vest in the Authority and shall be utilized by the Authority to meet charges and expenses in connection with the affairs of the Authority.

(2) The Fund shall consist of—

- (a) such sums as the Government may grant by way of seed money or otherwise;
- (b) donations from domestic and international donor agencies and other institutions;
- (c) grants of money and sums borrowed or raised by the Authority for the purposes of meeting any or its obligations or discharging any of its duties;
- (d) fees, penalties, Fines or other charges imposed under this Act; and
- (e) all other sums which may in any manner become payable to or vested in the Authority in respect of any matter incidental to the exercise of its functions and powers.

38. **Budget.**—(1) Within ninety days of its establishment, the Authority shall prepare and submit to the Board for its approval, a budget for the period up to and including the end of the then current financial year and thereafter it shall, not later than thirty days before the expiry of each financial

year, submit to the Board for approval a budget for the next Financial year in accordance with prescribed procedures and shall maintain complete and accurate books of accounts of its actual expenses and receipts and the funds.

(2) The budget prepared by the Authority shall be reviewed by a budget committee consisting, of one representative each of the Authority, the Federal Government and the private sector nominated by the Federal Government. The private sector nominee shall not have any conflict of interest in the Authority's oversight of regulated activities. The budget committee shall ensure that the Authority complies with all requirements of this. The budget committee shall take its decisions by simple majority of its members.

(3) No expenditure shall be made for which provision has not been made in any approved budget except if made from any previously approved contingency funds, unless further approval is sought and obtained from the Board.

39. Bank accounts.— The Authority may open and maintain its accounts in Rupees or in any foreign currency at such scheduled banks as it may from time to time determine.

40. Annual report, accounts and audit.—(1) Within ninety days From the end of each financial year, the Authority shall, in consultation with the Board, cause a report to be prepared on the activities of the Authority including investigations and enquiries made by the authority under this Act during that financial year and release to the public and simultaneously present a copy of the report to the Federal Government.

(2) The Authority shall cause proper accounts to be kept and shall as soon as practicable after the end of each financial year cause to be prepared for that financial year a statement of accounts of the Authority which shall include a balance sheet and an account of income and expenditure.

(3) The Authority shall cause the statement of accounts to be audited by auditors, appointed by the Authority with the approval of the Federal Government, who shall be a firm of chartered accountants. Any casual vacancy in the office of auditor appointed under this section may be filled in by the Authority.

(4) The auditors shall make a report to the Federal Government, upon the annual balance sheet and accounts and in any such report they shall state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the affairs of the Authority and, in case they have called For any explanation or information From the Authority, whether it has been given and whether it is satisfactory.

(5) The Federal Government may if it deems it also require the accounts of the Authority for any financial year to be audited by the Auditor General of Pakistan.

(6) The Board shall, within one hundred and twenty days of the end of each financial year, together with the annual report of the Authority send a copy of the statement of accounts of the Authority certified by the auditors and a copy or the auditors' report to the Federal Government which shall cause them to be published in the official Gazette.

41. **Investments.**—(1) Subject to sub-section (2), the Authority may, in so far as its moneys are not required to be expended under this Act, invest the surplus moneys in such manner as may be prescribed.

(2) The Authority shall not invest its money in listed securities or any derivative thereof whether listed or not.

CHAPTER VII

MISCELLANEOUS

42. **Employees of the Authority.**—To carry out the purposes of this Act, the Authority may, from time to time, engage such experts, consultants, consultancy firms, advisers and other of and staff members on such terms and conditions as it may prescribe.

43. **Public servant.**—The Chairperson, members and all other employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

44. **Executive authorities to assist the Authority.**—All executive authorities and law enforcement agencies of the Federal Government shall act in aid of the Authority.

45. **Recovery of fines and other dues as arrears or land revenue.**—The Authority may recover the fines imposed under this Act or other dues recoverable under the this as arrears of land revenue.

46. **Rules.**—(1) The Government may, by notification in the official Gazette, make rules for giving effect to the provisions of this Act.

(2) The power to make rules conferred by this section shall be subject to the condition of previous publication and, before making any rule, the draft thereof shall be published in the official Gazette for eliciting public opinion thereon within a period of not less than fifteen days from the date of publication.

47. **Regulations.**—(1) The Authority may, with previous sanction of the Federal Government, make regulations for the following purposes, namely:-

- (a) the management of the property of the Authority, its maintenance and audit of its accounts;
- (b) summoning and holding of meetings of the Authority and places where such meetings are to be held, the conduct of business thereof and the number of members necessary to constitute a quorum;
- (c) the powers and duties of the chief executive officer;
- (d) the mode of appointment of the Registration Board and inspection committees, the summoning and holding of meetings thereof for conduct of business of such committees;
- (e) the appointment, powers, duties and procedure of inspection team;
- (f) the procedure for maintenance, compilation and publication of the register, list of Health-care establishment and their minimum requirement and the fees to be charged for registration and licensing;
- (g) the procedure for any investigation under section 34;
- (h) prescribing a minimum standard of grant, renewal, suspension or cancellation of registration of Health-care establishment;
- (i) prescribing a minimum standard of grant, renewal, suspension or cancellation of licence of Health-care establishment;
- (j) prescribing a minimum standard of patient and health staff safety in Health-care establishment;
- (k) prescribing a minimum standard of quality assurance in Health-care establishment;
- (l) the forms, fees and registers for the purposes of this Act;
- (m) the data of patients treated in a Health-care establishment;
- (n) the records of the staff of a Health-care establishment;
- (o) fix penalties according to offence; and
- (p) the regulation and control of prices of the Health-care services.

(2) The power to make regulations conferred by this section shall be subject to the condition of previous publication and, before making any regulations, the draft thereof shall be published in the official Gazette, and two newspapers of wide circulation and on the website of the Authority, for eliciting public opinion thereon within a period of not less than fifteen days from the date of publication.

48. Failure to comply with the decision of the Authority.—Any Person who, in the opinion of the Authority, fails to comply with the final decision or recommendation of the Authority, the Authority may impose a fine which may extend to ten hundred thousand Rupees on such person.

49. 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 provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty.

50. Incentives.—(1) Health-care establishments already registered with International Organization for Standardization (ISO) or Joint Commission International (JCI) or any other such organization shall be registered with the Board without inspection for a period till these establishments remain registered with such organizations.

(2) Health-care establishments registered with the Board, Health-care professional of such Health-care establishments shall be protected under immunity clause of this Act.

51. Overriding effect.—Notwithstanding anything to the contrary contained in any other law, under the law making authority of the Federal Government, the provisions of this Act shall have an overriding effect and the provisions of any such law to the extent of inconsistency to this Act shall cease to have effect.

STATEMENT OF OBJECT AND REASON

Realizing the fact that private health sector is unregulated, that the public sector is providing poor quality of Health-care Services, that there are no standard of quality assurance in the country, there is a dire need to ensure provision of quality health care services, promote patient safety and provide mechanism of banning quackery in its all forms and manifestations by the health sector. Therefore it is very essential to establish Islamabad Health-care Regulatory Authority to regulate both public and private sector in Islamabad.

MS. SAIRA AFZAL TARAR,
Minister for Health Services, Regulations and Coordination
Minister-in-Charge.

REPORT OF THE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION ON THE HEALTH SERVICE ACADEMY (RESTRUCTURING) BILL, 2017

1. Chairman of the Standing Committee on National Health Services, Regulations and Coordination, have the honor to present this report on a Bill to provide for restructuring of health services academy as a degree awarding institute [The Health Services Academy (Restructuring) Bill, 2017] (Government Bill) referred to the Committee on 08-12-2017.

2. The Committee consists the following:—

(1)	Dr. Hafeez-ur-Rehman Khan Drishak	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. Ramesh Kumar Vankwani	Member
(7)	Ms. Rida Khan	Member
(8)	Ms. Shakila Khalid Luqman	Member
(9)	Ms. Shaista Pervaiz	Member
(10)	Ms. Zahra Wadood Fatemi	Member
(11)	Dr. Azra Fazal Pechuho	Member
(12)	Mir Aijaz Hussain Jakhrani	Member
(13)	Dr. Mahreen Razaque Bhutto	Member
(14)	Dr. Muhammad Azhar Khan Jadoon	Member
(15)	Col. (Retd.) Dr. Amirullah Marwat	Member
(16)	Dr. Nikhat Shakeel Khan	Member
(17)	Qari Muhammad Yousaf	Member
(18)	Syed Ghazi Gulab Jamal	Member
(19)	Mr. Abdul Qahar Khan Wadan	Member
(20)	Ms. Saira Afzal Tarar,	Ex-officio
	Minister for National Health Services, Regulations and Coordination	Member

3. The Committee considered the Bill as introduced in the National Assembly, placed at Annex-A, in its meeting held on 05-01-2018 and recommends that the Bill may be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN),
Secretary.

Sd/-
(DR. HAFEEZ-UR-REHMAN KHAN DRISHAK),
Chairman
Standing Committee on National Health Services,
Regulations and Coordination.

Islamabad, the 31st January, 2018

ANNEX-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

*to provide for restructuring of health services academy as a degree
awarding institute*

WHEREAS it is expedient to provide for restructuring of health services academy as a degree awarding institute in order to provide it autonomy while improving governance and management thereof so as to enhance quality of higher education in the country;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Health Services Academy (Restructuring) Act, 2017.

(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,—

(i) “academic council” means the academic council constituted under this Act;

(ii) “Academy” means the health services academy established under the Health Services Academy Ordinance, 2002 (LXII of 2002);

(iii) “affiliated college” means an educational institution affiliated to the HSA but not maintained or administered by it;

(iv) “Authority” means any of the Authorities of the HSA specified or set up under section 17;

(v) “Chancellor” means the Chancellor of the HSA;

- (vi) "college" means a constituent college or an affiliated college;
- (vii) "Commission" means the Higher Education Commission set up under the Higher Education Commission Ordinance, 2002 (LIII of 2002);
- (viii) "constituent college" means an educational institution, by whatever name described, maintained and administered by the HSA;
- (ix) "Dean" means head of department or head of faculty or head of an academic body granted the status of a faculty by this Act or by the statutes or regulations;
- (x) "department" means a teaching department maintained and administered or recognized by the HSA in the prescribed manner;
- (xi) "director" means head of an institute established as a constituent institution by the HSA by statutes or regulations in terms of the powers conferred by this Act;
- (xii) "faculty" means an administrative and academic unit of the HSA consisting of one or more departments, as may be prescribed;
- (xiii) "Government" means the Federal Government;
- (xiv) "Health Services Academy" or "HSA" means the Academy restructured under this Act as a degree-awarding institute;
- (xv) "HSA teacher" means a whole-time teacher appointed and paid by the HSA or recognized by the HSA as such;
- (xvi) "prescribed" means prescribed by statutes, regulations or rules made under this Act;
- (xvii) "principal" means head of a college;
- (xviii) "Pro-Chancellor" means the Pro-Chancellor of the HSA;
- (xix) "Rector" means the Rector of HSA;
- (xx) "representation committees" means the representation committees constituted under section 25;
- (xxi) "review Panel", means the review panel set up by the Chancellor in accordance with the provisions of sub-section (5) of section 8;

- (xxii) "search committee" means the search committee set up by the Senate under section 12;
- (xxiii) "Senate" means the Senate of the HSA;
- (xxiv) "statutes", "regulations" and "rules" mean respectively the statutes, the regulations and the rules made under this Act;
- (xxv) "Syndicate" means the Syndicate of the HSA;
- (xxvi) "teachers" include professors, associate professors, assistant professors and lecturers engaged whole-time by the HSA or by a constituent or affiliated college and such other persons as may be declared by regulations to be teachers; and
- (xxvii) "Vice-Chancellor" means the Vice-Chancellor of the HSA.

CHAPTER II

HEALTH SERVICES ACADEMY

3. **Incorporation.**—(1) The health services academy established under the Health Services Academy Ordinance, 2002 (LXII of 2002) stands restructured, to be called as the Health Services Academy, as degree awarding institute in accordance with the provisions of this Act.

(2) The HSA shall consist of the following, namely:—

- (a) the Chancellor, Pro-Chancellor, the members of the Senate and the Vice-Chancellor;
- (b) the members of the Authorities of the HSA established under section 17;
- (c) all HSA teachers and persons recognized as students of the HSA in accordance with the terms as may be prescribed from time to time; and
- (d) all other full-time officers and members of staff of the HSA.

(3) The HSA shall be a body corporate having perpetual succession and a common seal and it may sue and be sued by the said name.

(4) The HSA shall be competent to acquire and hold property, both movable and immovable and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(5) Notwithstanding anything contained in any other law for the time being in force, the HSA shall have academic, financial and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act and the Higher Education Commission Ordinance, 2002 (LIII of 2002). In particular, and without prejudice to the authority granted to the Commission by law, the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Senate in the annual budget of the HSA.

(6) All properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in or held in trust by Academy before commencement, of this Act and liabilities legally subsisting before such commencement against Academy stand passed to the HSA restructured under this Act.

4. Powers and functions of the HSA.—The HSA shall have the following powers, namely:-

- (i) to provide for instruction and training in health including animal sciences, technology and other allied disciplines in such manner as it considers appropriate so as to produce competent, imaginative, skilled and committed health professionals, doctors, scientists and experts;
- (ii) to undertake joint investigation and collaborative research in the field of health sciences, biomedical technology and other allied disciplines;
- (iii) to provide assistance to health and allied professions, institutions and organizations in Pakistan and abroad through expert advice, consultations, institutional consultancies and in any other manner as it may deem fit;
- (iv) to promote, contact and establish linkages with national and international institutions and other academic, research and development organizations in Pakistan and abroad for effective discharge of its functions and responsibilities;
- (v) to pursue and make provisions for research, innovations, inventions, demonstrations and other services as it may deem fit;
- (vi) to print, publish and circulate periodicals, journals, magazines and books and disseminate scientific, technological and other related knowledge and information conducive to the attainment of any of the objectives of the HSA;

- (vii) to prescribe courses of studies in health sciences, biomedical technology and other allied disciplines and to decide teaching methods and strategies in order to ensure the most effective educational and training programmes;
- (viii) to establish field demonstration areas, laboratories, museums and other facilities for training, education and research;
- (ix) to affiliate or associate itself with other institutions and to establish faculties in Pakistan or abroad for effective discharge of its functions;
- (x) to enter into agreements, contracts and arrangements with organizations, institutions, bodies and individuals for the purpose of carrying out its functions and activities;
- (xi) to provide for education and scholarship in such branches of knowledge as it may deem fit and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;
- (xii) to prescribe courses of studies to be conducted by it and the colleges;
- (xiii) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;
- (xiv) to prescribe the terms and conditions of employment of the officers, teachers and other employees of the HSA and to lay down terms and conditions that may be different from those applicable to Government servants in general;
- (xv) to engage, where necessary, persons on contract of specified duration and to specify the terms of each engagement;
- (xvi) to confer honorary degrees or other distinctions on approved persons in the manner prescribed;
- (xvii) to provide for such instruction for persons not being students of the HSA as it may prescribe and to grant certificates and diplomas to such persons;

- (xviii) to institute programmes for the exchange of students and teachers between the HSA and other universities, educational institutions and research organizations, inside as well as outside Pakistan;
- (xix) to provide career counselling and job search services to students and alumni;
- (xx) to maintain linkages with alumni;
- (xxi) to develop and implement fund-raising plans;
- (xxii) to provide and support the academic development of faculty of the HSA;
- (xxiii) to confer under prescribed conditions degrees on persons who have carried on independent research;
- (xxiv) to affiliate and disaffiliate educational institutions under prescribed conditions;
- (xxv) to inspect colleges and other educational institutions affiliated or seeking affiliation with it;
- (xxvi) to accept the examinations passed and the period of study spent by students of the HSA at other universities and places of learning equivalent to such examinations and periods of study in the HSA, as it may prescribe and to withdraw such acceptance;
- (xxvii) to co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it may prescribe;
- (xxviii) to institute professorships, associate professorships, assistant professorships and lectureships and any other posts and to appoint persons thereto;
- (xxix) to create posts for research, extension, administration and other related purposes and to appoint persons thereto;
- (xxx) to recognize selected members of the teaching staff of affiliated colleges or educational institutions admitted to the privileges of the HSA or such other persons as it may deem fit, as HSA teachers;
- (xxxi) to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;

- (xxxii) to establish teaching departments, schools, colleges, faculties, institutes, museums and other centres of learning for development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;
- (xxxiii) to provide for the residence of the students of the HSA and the colleges, to institute and maintain halls of residence and to approve or license hostels and lodging;
- (xxxiv) to maintain order, discipline and security on campuses of the HSA and the colleges;
- (xxxv) to promote extracurricular and recreational activities of students and to make arrangements for promoting their health and general welfare;
- (xxxvi) to demand and receive such fees and other charges as it may determine;
- (xxxvii) to make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;
- (xxxviii) to enter into, carry out, vary or cancel contracts;
- (xxxix) to receive and manage property transferred and grants and contributions made to the HSA and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;
- (xl) to provide for printing and publication of research and other works;
- (xli) to provide policy advice on public health, research, health education and related discipline to Federal Government as deemed appropriate by the Government or HSA from time to time; and
- (xlii) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be expedient in order to further objectives of the HSA as a place of education, learning and research.

5. **HSA open to all classes, creeds, etc.** — (1) Except where the HSA has been declared by notification in the official Gazette to be open only to persons of a specified gender, the HSA shall be open to all persons of either

gender and of whatever religion, race, creed, class, colour or domicile and no person shall be denied the privileges of the HSA on the grounds of religion, race, caste, creed, class, colour or domicile.

(2) An increase in any fee or charge that is in excess of ten percent per annum on an annualized basis from the last such increase may not be made except in special circumstances and only with approval of the Chancellor.

(3) The HSA shall institute financial aid programmes for students in need, to the extent considered feasible by the Senate in the given and available resources, so as to enable admission and access to the HSA and the various opportunities provided by it to be based on merit rather than ability to pay:

Provided that the HSA may institute self-finance schemes not covering more than ten percent of the total number of candidates in any on-campus taught course or research-based programme of study.

6. **Teaching.**— (1) All recognized teaching in various courses shall be conducted by the HSA and the colleges in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations, distance learning and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other governmental or private organizations.

(2) The authority responsible for organizing recognized teaching shall be such as may be prescribed.

CHAPTER III

OFFICERS OF THE HSA

7. **Principal officers.**— The following shall be principal officers of the HSA, namely:-

- (a) the Chancellor;
- (b) the Pro-Chancellor;
- (c) the Vice-Chancellor;
- (d) the Rector;
- (e) the Deans;
- (f) the Principals of the constituent colleges;
- (g) the Chairpersons of the teaching departments;
- (h) the Registrar;
- (i) the Treasurer;
- (j) the Controller of Examinations; and
- (k) such other persons as may be prescribed by the statutes or regulations.

8. **Chancellor.**—(1) The President of the Islamic Republic of Pakistan shall by virtue of his office be the Chancellor of the HSA as well as the Chairperson of the Senate.

(2) The members of the Senate as well as the Vice-Chancellor shall be appointed by the Chancellor from amongst the persons recommended by the representation committee set up for this purpose or the search committee established in accordance with this Act and the statutes, as the case may be, along with those elected,

(3) Every proposal to confer an honorary degree shall be subject to confirmation by the Chancellor.

(4) If the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the HSA has occurred, he may,—

- (a) as regards proceedings of the Senate, direct that specified proceedings be re-considered and appropriate action taken within one month of the direction having been issued:

Provided that if the Chancellor is satisfied that either no re-consideration has been carried out or that the re-consideration has failed to address the concern expressed, he may, after calling upon the Senate to show cause in writing, appoint a five-member review panel to examine and report to the Chancellor on the functioning of the Senate. The report of the review panel shall be submitted within such time as may be prescribed by the Chancellor. The review panel shall be drawn from persons of eminence in academics and in the fields of law, accountancy and administration; and

- (b) as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Senate, direct the Senate to exercise powers under section 20.

(5) The Chancellor may cause a visitation or inquiry to be made in respect of any matter connected with affairs of the HSA and appoint any person as he may deem fit for the purpose.

(6) The Chancellor may, on receipt of a report, issue such directions as he thinks fit and the Vice-Chancellor shall comply with such directions.

(7) The Chancellor may delegate any of his powers to Vice-Chancellor from time to time as deemed appropriate.

9. **Pro-Chancellor.**—(1) The Minister-in-charge of the concerned Division allocated with business of HSA shall by virtue of his office be the Pro-Chancellor of the HSA.

(2) Where the Chancellor is absent for any reason, the Pro-Chancellor shall act as Chancellor and exercise all powers of the Chancellor except the powers provided for under sub-sections (4) and (7) of section 8.

(3) The Pro-Chancellor shall perform such duties as may be assigned and delegated to him by the Chancellor.

10. **Removal from the Senate.**—(1) The Chancellor may, upon recommendation of the review panel, remove any person from membership of the Senate on the ground that such person —

- (a) has become of unsound mind; or
- (b) has become incapacitated to function as member of the Senate; or
- (c) has been convicted by a court of law for an offence involving moral turpitude; or
- (d) has absented himself from two consecutive meetings without just cause; or
- (e) has been guilty of misconduct, including use of position for personal advantage of any kind or gross inefficiency in performance of his functions.

(2) The Chancellor shall not remove any person from membership of the Senate except on a resolution by at least three-fourths of total members of the Senate calling for removal of such person:

Provided that before passing such resolution the Senate shall provide the member concerned a fair hearing:

Provided further that the provisions of this section shall not be applicable to the Vice-Chancellor in his capacity as a member of the Senate.

11. **Vice-Chancellor.**—(1) There shall be a Vice-Chancellor of the HSA who shall be an eminent academician or a distinguished administrator and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be chief executive officer of the HSA responsible for all administrative and academic functions of the HSA and for ensuring that the provisions of this Act, statutes, regulations and rules are

observed in order to promote general efficiency and good order of the HSA and he shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the HSA.

(3) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any Authority or body of the HSA.

(4) The Vice-Chancellor may, in an emergency that in his opinion requires immediate action ordinarily not in competence of the Vice-Chancellor, take such action and forward, within seventy-two hours, a report of the action taken to the members of the emergency committee of the Senate, to be set up by statutes. The emergency committee may direct such further action as is considered appropriate.

(5) The Vice-Chancellor shall also have the following powers, namely:—

- (a) to direct teachers, officers and other employees of the HSA to take up such assignments in connection with examinations, administration and such other activities in the HSA as he may consider necessary for the purposes of the HSA;
- (b) to sanction by re-appropriation an amount not exceeding an amount prescribed by the Senate for an unforeseen item not provided for in the budget and report it to the Senate at the next meeting;
- (c) to make appointments of such categories of employees of the HSA and in such manner as may be prescribed by statutes;
- (d) to suspend, punish and remove from service, in accordance with prescribed procedure, officers, teachers and other employees of the HSA except those appointed by or with approval of the Senate;
- (e) to delegate, subject to such conditions as may be prescribed, any of his powers under this Act to an officer or officers of the HSA; and
- (f) to exercise and perform such other powers and functions as may be prescribed.

(6) The Vice-Chancellor shall preside at convocation of the HSA in absence of the Pro-Chancellor.

(7) The Vice-Chancellor shall present an annual report before the Senate within three months of close of the academic year. The annual report

shall present such information as regards the academic year under review as may be prescribed, including disclosure of all relevant facts pertaining to —

- (a) academics;
- (b) research and policy making;
- (c) administration; and
- (d) finances.

(8) The Vice-Chancellor's annual report under sub-section (7) shall be made available, prior to its presentation before the Senate, to all officers and HSA teachers and shall be published in such number as is required to ensure its wide circulation.

12. Appointment and removal of the Vice-Chancellor.—(1) The Vice-Chancellor shall be appointed by the Chancellor on the basis of recommendations made by the Senate.

(2) A Search Committee shall, for recommendation of persons suitable for appointment as Vice-Chancellor, be constituted by the Senate on the date and in the manner prescribed by statutes and shall consist of two eminent members of society nominated by the Chancellor, of whom one shall be appointed as the convener, two members of the Senate, two distinguished HSA teachers who are not members of the Senate and one academician of eminence not employed by the HSA. The two distinguished HSA teachers shall be selected by the Senate through a process, to be prescribed by statutes, that provides for recommendation of suitable names by the HSA teachers in general. The Search Committee shall remain in existence till such time that appointment of next Vice-Chancellor is made by the Chancellor.

(3) The persons proposed by the Search Committee for appointment as Vice-Chancellor shall be considered by the Senate and of these a panel of three, in order of priority, shall be recommended by the Senate to the Chancellor:

Provided that the Chancellor may decline to appoint any of the three persons recommended and seek recommendation of a fresh panel. In the event of a fresh recommendation being sought by the Chancellor, the Search Committee shall make a proposal to the Senate in the prescribed manner.

(4) The Vice-Chancellor shall be appointed for a renewable tenure of five years on such terms and conditions as may be prescribed by statutes. The tenure of an incumbent Vice-Chancellor shall be renewed by the Chancellor on receipt of a resolution of the Senate in support of such renewal:

Provided that the Chancellor may call upon the Senate to re-consider such resolution once.

(5) The Senate may, pursuant to a resolution in this behalf passed by three-fourths of its membership, recommend to the Chancellor the removal of the Vice-Chancellor on the ground of in-efficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind:

Provided that the Chancellor may make a reference to the Senate stating the instances of in-efficiency, moral turpitude or physical or mental incapacity or gross misconduct on part of the Vice-Chancellor that have come to his notice. After consideration of the reference, the Senate may, pursuant to a resolution in this behalf passed by two-thirds of its membership, recommend to the Chancellor removal of the Vice-Chancellor:

Provided further that prior to a resolution for removal of the Vice-Chancellor being voted upon, the Vice-Chancellor shall be given an opportunity of being heard.

(6) A resolution recommending removal of the Vice-Chancellor shall be submitted to the Chancellor forthwith. The Chancellor may accept the recommendation and order removal of the Vice-Chancellor or return the recommendation to the Senate.

(7) At any time when office of the Vice-Chancellor is vacant or the Vice-Chancellor is absent or is unable to perform functions of his office due to illness or some other cause, the Senate or the Chancellor shall make such arrangements for performance of duties of the Vice-Chancellor as may be deemed fit.

13. **Rector.**—(1) There shall be a Rector of the HSA to be appointed by the Chancellor on recommendation of the Senate on such terms and conditions as may be prescribed.

(2) The Rector shall be responsible for implementation of decisions of the Senate, Syndicate and Academic Council and for execution of programmes of the HSA under direction of the Vice-Chancellor.

(3) At any time, when office of the Rector is vacant or the Rector is absent or is unable to perform functions of his office due to illness or some other cause, the Vice-Chancellor of the HSA shall make such arrangement for performance of duties of the Rector as he may deem fit.

14. **Registrar.**— (1) There shall be a Registrar of the HSA to be appointed by the Senate on recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as professional and academic qualifications necessary for appointment to the post of the Registrar shall be as may be prescribed.

(3) The Registrar shall be a full-time officer of the HSA and shall —

- (a) be administrative head of secretariat of the HSA and be responsible for provision of secretarial support to the Authorities of the HSA;
- (b) be custodian of common seal and academic records of the HSA;
- (c) maintain a register of registered graduates in the prescribed manner;
- (d) supervise process of election, appointment or nomination of members to various Authorities and other bodies in the prescribed manner; and
- (e) perform such other duties as may be prescribed.

(4) The term of office of the Registrar shall be a renewable period of three years:

Provided that the Senate may, on advice of the Vice-Chancellor and in accordance with prescribed procedure, terminate appointment of the Registrar on grounds of in-efficiency or misconduct.

15. **Treasurer.**—(1) There shall be a Treasurer of the HSA to be appointed by the Senate on recommendation of the Vice-Chancellor on such terms and conditions as may be prescribed.

(2) The experience and professional and academic qualifications necessary for appointment to the post of Treasurer shall be as may be prescribed.

(3) The Treasurer shall be chief financial officer of the HSA and shall—

- (a) manage assets, liabilities, receipts, expenditures, funds and investments of the HSA;
- (b) prepare annual and revised budget estimates of the HSA and present them to the Syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Senate;
- (c) ensure that funds of the HSA are expended on the purposes for which those funds are provided;

(d) have accounts of the HSA audited annually so as to be available for submission to the Senate within six months of the close of financial year; and

(e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be a renewable period of three years:

Provided that the Senate may, on advice of the Vice-Chancellor and in accordance with prescribed procedure, terminate appointment of the Treasurer on grounds of in-efficiency or misconduct.

16. Controller of Examinations.—(1) There shall be a Controller of Examinations to be appointed by the Senate on recommendation of the Vice-Chancellor on such terms and conditions as may be prescribed.

(2) The minimum qualifications and experience necessary for appointment to the post of Controller of Examinations shall be as may be prescribed.

(3) The Controller of Examinations shall be a full-time officer of the HSA and shall be responsible for all matters connected with conduct of examinations and shall perform such other duties as may be prescribed.

(4) The Controller of Examinations shall be appointed for a renewable term of three years:

Provided that the Senate may, on advice of the Vice-Chancellor and in accordance with prescribed procedure, terminate appointment of the Controller of Examinations on grounds of in-efficiency or misconduct.

CHAPTER IV

AUTHORITIES OF THE HSA

17. Authorities.— (1) The following shall be Authorities of the HSA, namely:—

- (a) the Senate;
- (b) the Syndicate; and
- (c) the Academic Council;

(2) The following Authorities shall be established by statutes, namely:—

- (a) Graduate and Research Management Council;

- (b) Recruitment, Development, Evaluation and Promotion Committees for teachers and other staff whether at level of the department, the faculty or the HSA;
- (c) Career Placement and Internship Committee of each faculty;
- (d) Search Committee for appointment of the Vice-Chancellor;
- (e) Representation Committees for appointment to the Senate, Syndicate and the Academic Council;
- (f) Faculty Council; and
- (g) Departmental Council.

(3) The Senate, the Syndicate and the Academic Council may set up such other committees or sub-committees, by whatever name described, as are considered desirable through statutes or regulations as appropriate. Such committees or sub-committees shall be Authorities of the HSA for the purposes of this Act.

18. **Senate.**—(1) There shall be a body to be called the Senate, responsible for governance of the HSA and which shall consist of the following, namely:-

- (a) the Chancellor who shall be Chairperson of the Senate;
- (b) the Vice-Chancellor;
- (c) three members of the Government not below the rank of Additional Secretary from the Division concerned, the Division to which business of education stands allocated or any other department relevant to the special focus of the HSA;
- (d) one person from amongst the alumni of the HSA;
- (e) one person from academic community of the country, other than an employee of the HSA, at the level of professor or principal of a college;
- (f) one HSA teacher; and
- (g) one person nominated by the Commission.

(2) The number of members of the Senate described against clauses (e) to (g) of sub-section (1) may be increased by the Senate through statutes subject

to the condition that total membership of the Senate does not exceed twenty-one, with a maximum of three HSA teachers and the increase is balanced, to the extent possible, across different categories specified in sub-section (1).

(3) All appointments to the Senate shall be made by the Chancellor. Appointment of persons described in clauses (d) and (e) of sub-section (1) shall be made from amongst a panel of three names for each vacancy recommended by the Representation Committee set up in terms of section 25 and in accordance with procedure as may be prescribed:

Provided that effort shall be made, without compromising on quality or qualification, to give fair representation to women on the Senate.

Provided further that as regards the HSA teacher described in clause (f) of sub-section (1), the Senate shall prescribe a procedure for appointment on the basis of elections that provide for voting by Various categories of HSA teachers:

Provided also that the Senate may alternatively prescribe that appointment of HSA teachers to the Senate shall also be in the manner provided for by this sub-section for the persons described in clauses (d) and (e) of sub-section (1).

(4) Members of the Senate, other than *ex-officio* members, shall hold office for three years. One-third of the members, other than *ex-officio* members, of the first Senate to be determined by lot shall retire from office on expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than *ex-officio* members, of the first Senate to be determined by lot shall retire from office on expiration of two years from the date of their appointment and the remaining one-half, other than *ex-officio* members, shall retire from office on expiration of the third year:

Provided that no person, other than an *ex-officio* member, may serve on the Senate for more than two consecutive terms:

Provided further that the HSA teachers appointed to the Senate may not serve for two consecutive terms.

(5) The Senate shall meet at least twice in a calendar year.

(6) Service on the Senate shall be on honorary basis:

Provided that actual expenses may be reimbursed in the prescribed manner.

(7) The Registrar shall be secretary of the Senate.

(8) The Chancellor shall when present preside at meetings of the Senate and convocation of the HSA. In absence of the Chancellor, the

Pro-Chancellor shall when present preside at meeting of the Senate and convocation of HSA. In absence of Pro-Chancellor, the Senate may request a person of eminence to preside over the convocation of the HSA.

(9) Unless otherwise prescribed by this Act, all decisions of the Senate shall be taken on the basis of opinion of a majority of the members present. In the event of members being evenly divided on any matter, the person presiding over the meeting shall have a casting vote.

(10) The quorum for a meeting of the Senate shall be two-thirds of its membership, a fraction being counted as one.

19. Powers and functions of the Senate.—(1) The Senate shall have power of general supervision over the HSA and shall hold the Vice-Chancellor and the Authorities accountable for all functions of the HSA. The Senate shall have all powers of the HSA not expressly vested in an Authority or officer by this Act and all other powers not expressly mentioned by this Act that are necessary for performance of its functions.

(2) Without prejudice to the generality of the foregoing powers, the Senate shall have the following powers, namely:—

- (a) to approve the proposed annual plan of work, the annual and revised budget estimates, annual report and annual statement of accounts;
- (b) to hold, control and lay down policy for administration of property, funds and investments of the HSA, including approval of sale and purchase or acquisition of immovable property;
- (c) to oversee quality and relevance of the HSA academic programmes and to review academic affairs of the HSA in general;
- (d) to approve appointment of the Deans, professors, associate professors and such other senior faculty and senior administrators as may be prescribed;
- (e) to institute schemes, make directions and guidelines for terms and conditions of appointment of all officers, teachers and other employees of the HSA;
- (f) to approve strategic plans;
- (g) to approve financial resource development plans of the HSA;

- (h) to consider draft statutes and regulations proposed by the Syndicate and the Academic Council respectively and deal those in the manner as provided for in sections 27 and 28, as the case may be:

Provided that the Senate may make statutes or regulations on its own initiative and approve those after calling for advice of the Syndicate or the Academic Council, as the case may be;

- (i) to annul by order in writing the proceedings of any Authority or officer, if the Senate is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations made thereunder, after calling upon such Authority or officer to show cause as to why such proceedings should not be annulled;
- (j) to recommend to the Chancellor removal of any member of the Senate in accordance with the provisions of this Act;
- (k) to make appointment of members of the Syndicate, other than *ex-officio* members, in accordance with the provisions of this Act;
- (l) to make appointment of members of the Academic Council, other than *ex-officio* members, in accordance with the provisions of this Act;
- (m) to appoint, emeritus professors on such terms and conditions as may be prescribed;
- (n) to remove any person from membership of any Authority if such person—
 - (i) has become of unsound mind; or
 - (ii) has become incapacitated to function as member of such Authority; or
 - (iii) has been convicted by a court of law for an offence involving moral turpitude; and
- (o) to determine the form, provide for its custody and regulate use of common seal of the HSA.

(3) The Senate may, subject to the provisions of this Act, delegate all or any of the powers and functions of any Authority, officer or employee of the HSA at its main campus, to any Authority, committee, officer or employee at its additional campus for the purpose of exercising such powers and performing such functions in relation to such additional campus and for this purpose the Senate may create new posts or positions at the additional campus.

20. **Visitation.**— The Senate may, in accordance with the terms and procedures as may be prescribed, cause an inspection to be made in respect of any matter connected with the HSA.

21. **Syndicate.**—(1) There shall be a Syndicate of the HSA consisting of the following, namely:—

- (a) the Vice-Chancellor who shall be its Chairperson;
- (b) the Deans of the faculties of the HSA;
- (c) two professors from different departments, who are not members of the Senate, to be elected by the HSA teachers in accordance with procedure to be prescribed by the Senate;
- (d) principals of the constituent colleges;
- (e) the Registrar;
- (f) the Treasurer; and
- (g) the Controller of Examinations;

(2) Members of the Syndicate, other than *ex-officio* members, shall hold office for three years.

(3) As regards the two professors described in clause (c) of sub-section (1) the Senate may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 25. Appointment of persons proposed by the Representation Committee may be made by the Senate on recommendation of the Vice-Chancellor.

(4) The quorum for a meeting of the Syndicate shall be one-half of the total number of members, a fraction being counted as one.

(5) The Syndicate shall meet at least once in each quarter of a year.

22. **Powers and duties of the Syndicate.**—(1) The Syndicate shall be executive body of the HSA and shall, subject to the provisions of this Act and the statutes, exercise general supervision over affairs and management of the HSA.

(2) Without prejudice to generality of the foregoing powers and subject to the provisions of this Act, the statutes and directions of the Senate, the Syndicate shall have the following powers, namely:—

- (a) to consider annual report and annual and revised budget estimates and to submit these to the Senate;
- (b) to transfer and accept transfer of movable property on behalf of the HSA;
- (c) to enter into, vary, carry out and cancel contracts on behalf of the HSA;
- (d) to cause proper books of account to be kept for all sums of money received and expended by the HSA and for assets and liabilities of the HSA;
- (e) to invest any money belonging to the HSA including any un-applied income in any of the securities described in section 20 of the Trusts Act, 1882 (II of 1882) or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments;
- (f) to receive and manage any property transferred and grants, bequests, trusts, gifts, donations, endowments and other contributions made to the HSA;
- (g) to administer any funds placed at disposal of the HSA for specified purposes;
- (h) to provide buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out work of the HSA;
- (i) to establish and maintain halls of residence and hostels or approve or license hostels or lodgings for residence of students;
- (j) to recommend to the Senate affiliation or dis-affiliation of colleges;
- (k) to recommend to the Senate admission of educational institutions to the privileges of the HSA and withdraw such privileges;
- (l) to arrange for inspection of colleges and the departments;
- (m) to institute professorships, associate professorships, assistant professorships, lectureships and other teaching posts or to suspend or to abolish such posts;
- (n) to create, suspend or abolish such administrative or other posts as may be necessary;

- (o) to prescribe duties of officers, teachers and other employees of the HSA;
- (p) to report to the Senate on matters with respect to which it has been asked to report;
- (q) to appoint members to various Authorities in accordance with the provisions of this Act;
- (r) to propose draft statutes for submission to the Senate;
- (s) to regulate conduct and discipline of students of the HSA;
- (t) to take actions necessary for good administration of the HSA in general and to this end exercise such powers as are necessary;
- (u) to delegate any of its powers to any Authority or officer or a committee; and
- (v) to perform such other functions as have been assigned to it by the provisions of this Act or may be assigned to it by statutes.

23. **Academic Council.**—(1) There shall be an Academic Council of the HSA consisting of the following, namely:—

- (a) the Vice-Chancellor who shall be its Chairperson;
- (b) the Deans of faculties and such heads of departments as may be prescribed;
- (c) three members representing departments, institutes and constituent colleges to be elected in the manner prescribed by the Senate;
- (d) one of the principals of affiliated colleges;
- (e) three professors including emeritus professors;
- (f) the Registrar;
- (g) the Controller of Examinations; and
- (h) the Librarian.

(2) The Senate shall appoint the members of the Academic Council, other than *ex-officio* and elected members, on recommendation of the Vice-Chancellor:

Provided that as regards the three professors and the members representing the departments, institutes and the constituent colleges, the Senate may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 25. Appointment of persons proposed by the Representation Committee may be made by the Senate on recommendation of the Vice-Chancellor.

(3) The Academic Council may constitute Academic Advisory Committee consisting of national and international doctors, scientists, academicians and other experts to—

- (a) delineate priorities for research;
- (b) guide and direct the executive committee on all academic matters;
- (c) recommend such measures which will foster and enhance interaction and collaboration between the HSA and other existing national and international organizations, institutions and research centers; and
- (d) work out and propose affiliation measures with foreign institutions of repute.

(4) Members of the Academic Council shall hold office for three years.

(5) The Academic Council shall meet at least once in each quarter.

(6) The quorum for meetings of the Academic Council shall be one-half of the total number of members, a fraction being counted as one.

24. Powers and functions of the Academic Council.—(1) The Academic Council shall be principal academic body of the HSA and shall, subject to the provisions of this Act and the statutes, have power to lay down proper standards of instruction, research and examinations and to regulate and promote academic life of the HSA and the colleges.

(2) Without prejudice to the generality of the foregoing powers and subject to the provisions of this Act and the statutes, the Academic Council shall have the power to—

- (a) approve the policies and procedures pertaining to the quality of academic programmes;
- (b) approve academic programmes;

- (c) approve the policies and procedures pertaining to student-related functions including admissions, expulsions, punishments, examinations and certification;
- (d) approve the policies and procedures assuring quality of teaching and research;
- (e) recommend the policies and procedures for affiliation of other educational institutions;
- (f) propose to the Syndicate schemes for the constitution and organization of faculties, teaching departments and boards of studies;
- (g) appoint paper-setters and examiners for all examinations of the HSA after receiving panels of names from relevant authorities;
- (h) institute programmes for continued professional development of HSA teachers at all levels;
- (i) recognize examinations of other universities or examining bodies as equivalent to corresponding examinations of the HSA;
- (j) regulate award of studentships, scholarships, exhibitions, medals and prizes;
- (k) propose regulations for submission to the Senate;
- (l) prepare an annual report on academic performance of the HSA; and
- (m) perform such other functions as may be prescribed by regulations.

25. **Representation Committees.**—(1) There shall be a Representation Committee constituted by the Senate through statutes for recommendation of persons for appointment to the Senate in accordance with the provisions of section 18.

(2) There shall also be a Representation Committee constituted by the Senate through statutes for recommendation of persons for appointment to the Syndicate and the Academic Council in accordance with the provisions of sections 21 and 23 respectively.

(3) Members of the Representation Committee for appointments to the Senate shall consist of the following, namely:—

- (a) three members of the Senate who are not HSA teachers;
- (b) two persons nominated by the HSA teachers from amongst themselves in the manner as may be prescribed;
- (c) one person from the academic community, not employed by the HSA, at the level of professor or college principal to be nominated by the HSA teachers in the manner as may be prescribed; and
- (d) one eminent citizen with experience in administration, philanthropy, development work, law or accountancy to be nominated by the Senate.

(4) The Representation Committee for appointments to the Syndicate and the Academic Council shall consist of the following, namely:-

- (a) two members of the Senate who are not HSA teachers;
- (b) three persons nominated by the HSA teachers from amongst themselves in the manner as may be prescribed;
- (5) The tenure of the Representation Committees shall be three years:

Provided that no member shall serve for more than two consecutive terms.

(6) The procedures of the Representation Committees shall be as may be prescribed.

(7) There may also be such other Representation Committees set up by any of the other Authorities of the HSA as are considered appropriate for recommending persons for appointment to various Authorities and other bodies of the HSA.

26. Appointment of committees by certain Authorities.—(1) The Senate, the Syndicate, the Academic Council and other Authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit and may place on such committees persons who are not members of the Authorities appointing the committees.

(2) The constitution, functions and powers of the Authorities for which no specific provision has been made in this Act shall be such as may be prescribed by statutes or regulations.

CHAPTER V

STATUTES, REGULATIONS AND RULES

27. **Statutes.**—(1) Subject to the provisions of this Act, statutes, to be published in the official Gazette, may be made to regulate or prescribe all or any of the following matters, namely:—

- (a) contents of and the manner in which annual report to be presented by the Vice-Chancellor before the Senate shall be prepared;
- (b) HSA fees and other charges;
- (c) constitution of any pension, insurance, gratuity, provident fund and benevolent fund for HSA employees;
- (d) scales of pay and other terms and conditions of service of officers, teachers and other HSA employees;
- (e) maintenance of register of registered graduates;
- (f) affiliation and dis-affiliation of educational institutions and related matters;
- (g) admission of educational institutions to the privileges of the HSA and withdrawal of such privileges;
- (h) establishment of faculties, departments, institutes, colleges and other academic divisions;
- (i) powers and duties of officers and teachers;
- (j) conditions under which the HSA may enter into arrangements with other institutions or with public bodies for purposes of research and advisory services;
- (k) conditions for appointment of emeritus professors and award of honorary degrees;
- (l) efficiency and discipline of HSA employees;
- (m) constitution and procedure to be followed by Representation Committees in carrying out functions under this Act;
- (n) constitution and procedure to be followed by Search Committee for appointment of the Vice-Chancellor;

- (o) constitution, functions and powers of the Authorities of the HSA; and
- (p) all other matters which by this Act are to be or may be prescribed or regulated by statutes.

(2) The draft of statutes shall be proposed by the Syndicate to the Senate which may approve or pass the draft with such modifications as the Senate may think fit or, as the case may be, it may refer back the draft to the Syndicate for re-consideration:

Provided that statutes concerning any of the matters mentioned in clauses (a) and (I) of sub-section (1) shall be initiated and approved by the Senate, after seeking views of the Syndicate:

Provided further that the Senate may initiate statutes with respect to any matter in its powers or with respect to which statutes may be made under this Act and approve such statutes after seeking views of the Syndicate.

28. Regulations.—(1) Subject to the provisions of this Act and the statutes, the Academic Council may, by notification in the official Gazette, make regulations for all or any of the following matters, namely:—

- (a) courses of study for degrees, diplomas and certificates of the HSA;
- (b) manner in which teaching referred to in sub-section (1) of section 6 shall be organized and conducted;
- (c) admission and expulsion of students to and from the HSA;
- (d) conditions under which students shall be admitted to courses and examinations of the HSA and shall become eligible for award of degrees, diplomas and certificates;
- (e) conduct of examinations;
- (f) conditions under which a person may carry on independent research to entitle him to a degree;
- (g) institution of fellowships, scholarships, exhibitions, medals and prizes;
- (h) use of the library;
- (i) formation of faculties, departments and board of studies; and

- (j) all other matters which by this Act or the statutes or regulations are to be or may be prescribed.

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Senate which may approve them or withhold approval or refer them back to the Academic Council for re-consideration. Regulations proposed by the Academic Council shall not be effective unless those receives approval of the Senate.

(3) Regulations regarding or incidental to matters contained in sub-clauses (g) and (i) of sub-section (1) shall not be submitted to the Senate without prior approval of the Syndicate

29. **Rules.**—(1) The Authorities and other bodies of the HSA may, by notification of official Gazette, make rules consistent with this Act, statutes and the regulations to regulate any matter relating to affairs of the HSA that is not required to be regulated by statutes or regulations, including rules to regulate conduct of business and time and place of meetings and related matters.

- (2) Rules shall become effective upon approval by the Syndicate.

CHAPTER VI

HSA FUND

30. **HSA Fund.**— The HSA shall have a fund, to be called the HSA Fund, to which shall be credited its income from fees, charges, donations, trusts, bequests, endowments, contributions, grants and all other sources.

31. **Audit and accounts.**— (1) The accounts of the HSA shall be maintained in such form and in such manner as may be prescribed.

(2) The teaching departments, constituent colleges and institutes and all other bodies designated as such by the Syndicate in terms of statutes shall be independent cost centres of the HSA with authority vested in the head of each cost centre to sanction expenditure out of the budget allocated to it:

Provided that re-appropriation from one head of account to another may be made by the head of a cost centre in accordance with and to the extent prescribed by statutes.

(3) All funds generated by a teaching department, constituent college or other unit of the HSA through consultancy, research or other provision of service shall be made available without prejudice to the budgetary allocation otherwise made, after deduction of overheads in the manner and to the extent prescribed by statutes, to the teaching department, constituent college or other

unit for its development. A part of the funds so generated may be shared with the HSA teachers or researchers in charge of the consultancy, research or service concerned in the manner and to the extent prescribed by statutes.

(4) No expenditure shall be made from funds of the HSA, unless a bill for its payments has been issued by the head of the cost centre concerned in accordance with the relevant statutes and the Treasurer has verified that allocation for the payment as provided for in the approved budget of the cost centre is available, subject to authority of head of the cost centre for re-appropriation under proviso to sub-section (2).

(5) Provision shall be made for an internal audit of finances of the HSA.

(6) Without prejudice to the requirement of audit by an auditor appointed by Government in accordance with the provisions of any other law for the time being in force, the annual audited statement of accounts of the HSA shall be prepared in conformity with the generally accepted accounting principles by a reputed firm of chartered accountants and signed by the Treasurer. The annual audited statement of accounts so prepared shall be submitted to the Auditor General of Pakistan for his observations.

(7) The observations of the Auditor General of Pakistan, if any, under sub-section (6), together with such annotations as the Treasurer may make, shall be considered by the Syndicate and shall be placed before the Senate within six months of closing of the financial year.

CHAPTER VII

GENERAL PROVISIONS

32. Opportunity to show cause.—Except as otherwise provided by this Act, the statutes, regulations and rules, no officer, teacher or other employee of the HSA shall be reduced in rank or pay scale or removed or dismissed or compulsorily retired from service and nor be subjected to any other penalty for cause arising out of any act or omission on part of the person concerned unless he has been given a reasonable opportunity of showing cause for his defence.

33. Appeal to the Syndicate and the Senate.—Where an order is passed punishing any officer, teacher or other employee of the HSA or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, where the order is passed by any officer or teacher of the HSA, other than the Vice-Chancellor, have the right to appeal to the Syndicate against the order and where the order is passed by the Vice-Chancellor, he shall have the right to prefer appeal before the Senate.

(2) All regular employees of HSA shall retire from service on attaining sixty years of age.

34. Transfer of officers, teachers and other employees to the HSA.—(1) Notwithstanding anything contained in any law, contract or agreement or in the conditions of service, all officers, teachers and other employees of the Academy existing immediately before the commencement of this Act, including officers, teachers and other employees on deputation to other organizations within Pakistan or abroad, stand transferred to and become employees of the HSA, on the same terms and conditions including remuneration, tenure of service, rights and privileges as to pension and gratuity and other matters applicable to them immediately before commencement of this Act, until their employment in the HSA is terminated in accordance with their conditions of service or their terms and conditions are altered by regulations which shall not be less favorable than those by which they were governed immediately before their transfer to the HSA.

(2) No adverse change shall be made in the existing terms and conditions of employment of the officers, teachers and other employees of the Academy on their transfer under sub-section (1) in the employment of the HSA on commencement of this Act.

35. Benefits and insurance.—(1) The HSA shall constitute schemes, as may be prescribed, for benefit of its officers, teachers and other employees providing for post-employment benefits as well as health and life insurance while in service.

(2) Where any provident fund has been constituted under this Act, the provisions of the Provident Funds Act, 1925 (XIX of 1925) shall apply to such funds as if it were the Government provident fund.

36. Commencement of term of office of members of Authority.—(1) When a member of the HSA is elected, appointed or nominated, his term of office as fixed under this Act shall commence from such date as may be prescribed.

(2) Where a member who has accepted any other assignment or for any other similar reason remains absent from the HSA for a period of not less than six months he shall be deemed to have resigned and vacated his seat.

37. Filling of casual vacancies in Authorities.— Any casual vacancy among the members of any Authority shall be filled, as soon as conveniently may be, in the same manner and by the same person or Authority empowered under this Act to appoint the member whose place has become vacant and the person appointed to the vacancy shall be a member of such Authority for the residue of the term for which the person whose place he fills would have been a member.

38. Flaws in the constitution of Authorities.— Where there is a flaw in the constitution of an Authority, as constituted by this Act, the statutes or the regulations on account of the abolition of a specified office under Government or because an organization, institution or other body outside the HSA has been dissolved or has ceased to function or because of some other similar reason, such flaw shall be removed in such manner as the Senate may direct.

39. Proceedings of Authorities not invalidated by existence of vacancies.— No act, resolution or decision of any Authority shall be invalid by reason of existence of any vacancy in the Authority doing, passing or making it or by reason of any want of qualification or invalidity in the election, appointment or nomination of any de facto member of the Authority, whether present or absent.

40. First statutes and regulations.— Notwithstanding anything to the contrary contained in this Act, the President of the Islamic Republic of Pakistan shall promulgate the first statutes and regulations which shall be deemed to be statutes and regulations made under sections 27 and 28 respectively and shall continue to remain in force until amended or repealed or till such time as new statutes and regulations are made in accordance with the provisions of this Act.

41. Repeal and savings.—(1) The Health Services Academy Ordinance, 2002 (LXII of 2002), hereinafter called as the repealed Ordinance, is hereby repealed.

(2) Notwithstanding the repeal under sub-section (1),—

- (a) everything done, action taken, obligations or liabilities incurred, rights and assets acquired and held, persons appointed or authorized, jurisdiction or powers conferred, endowments, bequests, funds or trusts created and held, donations or grants made, scholarships, studentship or exhibitions instituted, affiliations or privileges granted and orders issued under any of the, provisions of the repealed Ordinance shall, if not inconsistent with the provisions of this Act or the statutes, the regulations or the rules made under this Act, be continued and, so far as may be, be deemed to have been respectively done, taken, incurred, acquired, held, appointed, authorized, conferred, created, made, instituted, granted and issued under this Act and any documents referring to any of the provisions of the repealed Ordinance, legislative instruments or the statutes, the regulations and the rules made under the repealed Ordinance shall, so far as may be, be deemed to refer to the corresponding provisions of this Act or the statutes, the regulations and the rules made under this Act;

- (b) all institutes, colleges or other constituent units of the Academy functioning in terms of the provisions of the repealed Ordinance shall continue to function in respect of the relevant provisions of the repealed Ordinance till such time that the Senate through statutes has prescribed otherwise; and
- (c) any statutes, regulations or rules made or deemed to have been made under the repealed Ordinance shall, if not inconsistent with the provisions of this Act, be deemed to be the statutes, regulations or rules made under this Act having regard to various matters which by this Act have to be regulated or prescribed by statutes, regulations and rules respectively and shall continue to be in force until they are repealed, rescinded or modified in accordance with the provisions of this Act.

42. Transitory provisions.—(1) Notwithstanding anything contained in this Act, upon commencement of this Act with respect to the Academy, the Senate shall be constituted and the members thereof, except the HSA teachers, appointed afresh by the Chancellor in accordance with the numbers and criteria for membership specified in this Act. As regards the HSA teachers to be elected or appointed to the Senate elections shall be held as soon as possible. In all other cases HSA teachers shall be appointed to the Senate by the Chancellor. The number of HSA teachers to be elected or appointed to the Senate shall be as provided in this Act. The first Senate so constituted shall initiate, as soon as possible, process for appointment of HSA teacher and members of the Syndicate and the Academic Council in accordance with the terms of this Act.

(2) Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be appointed by the Chancellor for a period of three years.

43. Removal of difficulties.—(1) If any question arises as to the interpretation of any of the provisions of this Act, it shall be placed before the Chancellor whose decision thereon shall be final.

(2) If any difficulty arises in giving effect to any of the provisions of this Act, the Chancellor may make such order after obtaining the views of the Senate, not inconsistent with the provisions of this Act, as may appear to him to be necessary for removing the difficulty.

(3) Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the time at which or the manner in which, it shall be done, then it shall be done by such authority, at such time or in such manner as the Chancellor may direct after obtaining views of the Senate.

44. **Indemnity.**— No suit or legal proceedings shall lie against the Government, the Academy, the HSA or any Authority, officer or employee of the Government or the Academy, the HSA or any other person in respect of anything which is done in good faith, or deemed to have been done, under this Act.

45. **Power to allow appointment of employees of the Government, other universities or educational or research institutions to the HSA.**— (1) Notwithstanding anything contained in this Act, the Senate may, on the advice of the Syndicate and on such terms as the Senate may specify, allow any post in the HSA to be filled by appointment of an employee of the Government or any other university or educational or research institution.

(2) Where any appointment has been made under this section, the terms and conditions of service of the appointee shall not be less favourable than those admissible to him immediately before such appointment and he shall be entitled to all benefits of his post of service.

STATEMENT OF OBJECT AND REASON

Health Services Academy (HSA) is a leading Public Health Institute in the country, offering Doctoral Program, Postgraduate diploma and Master's and in various disciplines of Public Health. Health Services Academy offers Postgraduate programs in Public Health which includes Ph.D & MSPH in Public Health and Master in Health Economics & Management. Health Services Academy has attained full capacity required for transforming into a University / Degree Awarding Institute (DAI) having 01 Doctoral, 05 Masters 02 PG Diploma and 01 PG Certificate ongoing programs. HSA also fulfills other mandatory requirements including autonomous status, own building, approved curricula, business development plan, endowment fund, first ever Pakistan Journal of Public Health and Pakistan Public Health Association which reflect continued growth of the institution. Higher Education Commission (HEC) upon fulfillment of all the minimum criteria requirements and conducting physical inspection to ascertain availability of facilities, recommended grant of Charter to the Health Services Academy in public sector.

2. As a Policy Research Institute, HSA is to facilitate federal, provincial and other high level stakeholders in evidence informed policy - not being currently carried out by any other public sector organization in the country. Public health is defined as the science of protecting the safety and improving the health of communities through education, policy making and research for disease and injury prevention. Cross cutting field involving application of different disciplines as anthropology, sociology, epidemiology,

education, medicine etc. Pakistan has a great dearth of Public Health professionals, well equipped to address the public health needs of Pakistan.

3. The Bill is designed to seek approval of parliament for award of charter to HSA as Degree Awarding Institute.

MS. SAIRA AFZAL TARAR,
Minister for Health Services, Regulations and Coordination
Minister-in-Charge.

TAHIR HUSSAIN,
Secretary.