THE GILGIT-BALTISTAN MEDICAL AND HEALTH INSTITUTIONS ACT 2016

(ACT No. V OF 2016)

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ACT

to provide for the establishment and management of Medical and Health Institutions in the Gilgit-Baltistan.

Preamble.—WHEREAS it is expedient to make provisions for the establishment and efficient management of the Medical and Health Institutions in the Gilgit-Baltistan and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Gilgit-Baltistan Medical and Health Institutions Act, 2016.

(2) It extends to the whole of the Gilgit-Baltistan.

(3) It shall come into force at once.

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

(a) "Board" means the Board of Management of the Medical & Health Institutions of Gilgit-Baltistan

(b) "Government" means the Government of the Gilgit-Baltistan;

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(c) "Health Institution" means a Hospital with or without Training Centre/Centres, a laboratory or a medical facility notified as such;

(d) "Medical Institution" means Medical College or Medical Institute along with the attached Hospital/Hospitals and Training Centre/Centres notified as such; and

(e) "Prescribed" means prescribed by rules made under this Act.

3. Establishment of Institutions.—(1) The Government may, by notification—

(i) establish such Medical Institutions or Health Institutions as it may deem fit; or

(ii) apply this Act to any existing Medical Institution or Health Institution.

(2) The notified Medical Institution shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property as prescribed and may, by its name, sue and be sued:

Provided that the disposal of land and any structure thereon shall be subject to the approval of Government.

4. Objects.—The objects of the Institution shall be–

(a) to undertake all functions required for providing medical education and training and health facilities to the people; and

(b) to perform such other functions as are assigned to it by the Government.

5. Administration of Institutions.—(1) The administration and management of the affairs of a Medical Institution shall vest in the Board appointed by the Government in accordance with the provisions of this Act.

(2) The administration and management of a Health Institution shall, subject to the directions of the Government, vest in such body or person as may be notified.

6. Board of Management.—(1) The Board of a Medical Institution shall be the principal governing body of the Institution and shall comprise of the following:—

(a) Secretary Health Government of the Gilgit-Baltistan.

(b) Secretary Finance Government of the Gilgit-Baltistan.

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(c) The Secretary Planning & Development Government of Gilgit-Baltistan.

(d) Principal/Head of Institution.

(e) Six non-official members including at least two women from amongst eminent retired professors of medical colleges, renowned retired doctors from the general cadre, management experts/retired civil and military officers, distinguished citizens, notable jurists and financial experts.

(2) The Medical Superintendent of the main teaching hospital shall be the Secretary of the Board.

(3) The selection of non-official members shall be made from a panel of three individuals, for each vacancy, prepared by the Health Department and approved by Government.

(4) The non-official members shall hold office for a term of four years and shall be eligible for reappointment.

(5) The non-official members shall not be entitled to any perks and privileges under this Act.

(6) The Government may remove a non-official member of the Board, without assigning any reason, before the expiry of his tenure.

(7) The Chairman of the Board shall be elected by all the members of the Board from amongst the non-official members at the first meeting.

(8) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy or defect in the constitution of the Board.

(9) Any non-official member of the Board may, by a notice in writing under his hand addressed to Government, resign his office.

(10) The Government of Gilgit-Baltistan shall establish a Governing body through an Act for the efficient administration and Management of affairs of such College/institution.

7. **Principal/Head of Institution.**—(1) The Government shall appoint a whole time Principal or, as the case may be, Head of the Medical Institution from the Teaching Cadre possessing such qualifications and on such terms and conditions, notwithstanding anything contained in any law, as it may determine, from a panel of three individuals recommended by the Board.

(2) The Principal or, as the case may be, Head of the Institution shall exercise such powers and perform such functions as may be prescribed.

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8. Medical Superintendent.—(1) The Government shall appoint a whole time Medical Superintendent of the Institution possessing such qualifications and on such terms and conditions, notwithstanding anything contained in any law, as it may determine, from a panel of three individuals recommended by the Board.

(2) The Medical Superintendent shall exercise such powers and perform such functions as may be prescribed.

9. Appointment of officers and employees.—(1) The Government or, as the case may be, the Board may appoint such persons in the service of Institution, as may be necessary, on the recommendations of the Special Selection Board:

Provided that Government or, as the case may be, the Board may temporarily fill up an existing vacancy on *ad hoc* basis for a period of six months or till the arrival of the new incumbent recommended by the Special Selection Board, whichever is earlier.

(2) The existing employees shall continue to be governed by the Gilgit-Baltistan Civil Servants Act, 1974 and the rules made thereunder.

10. Special Selection Board.—(1) As soon as may be, after the commencement of this Act, Government shall constitute a Special Selection Board which shall recommend appointment of persons in the service of Institution.

(2) The Special Section Board shall consist of such number of members [3][including at least thirty-three percent women] as may be determined by Government.

(3) The terms and conditions of service of the members shall be such as may be prescribed.

11. Committees.—The Board of Management may constitute such committees as it may deem necessary for giving effect to the provisions of this Act.

12. Institutional private practice.—Procedure for institutional private practice shall be as prescribed.

13. Delegation of powers.—The Board of Management may delegate to any person or a committee any of its powers, duties or functions.

14. Fund.—(1) There shall be a fund, to be known by the name of the Institution, which shall vest in the Institution and to which shall be credited all sums received by the Institution.

(2) The fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed.

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15. Budget, audit and accounts.—(1) The budget of a Medical Institution shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed.

(2) The Government may order financial, medical and managerial monitoring and audit on quarterly basis, through a third party nominated by Government and paid for by the Medical Institution, and the Board shall comply with the directions, which may be issued thereon.

16. Annual reports.—(1) The annual performance reports of all Medical and Health Institutions in the Gilgit-Baltistan shall be submitted to the Government within three months of the conclusion of the calendar year to which the report pertains.

(2) The Government shall cause a copy of the report to be laid before the Provincial Assembly.

17. Public servants.—All persons acting or purporting to act in pursuance of any provision of this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

18. Rules.—The Government may make rules for carrying out the purposes of this Act.

20. Removal of difficulties.—If any difficulty arises in giving effect to any of the provision of this Act, the Government may give such directions as it may consider necessary for the removal of such difficulty.

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