

THE PAKISTAN KIDNEY AND LIVER INSTITUTE AND RESEARCH CENTER ACT 2014

(II OF 2015)

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TEXT

**¹THE PAKISTAN KIDNEY AND LIVER INSTITUTE AND RESEARCH CENTER ACT
2014**

(II of 2015)

[2nd January, 2015]

**An
Act**

*to provide for the establishment of the Pakistan Kidney and Liver Institute and
Research Center.*

Whereas it is expedient to provide for the establishment of the Pakistan Kidney and Liver Institute and Research Center in the Punjab and for the matters ancillary thereto;

It is enacted as follows: –

1. Short title, extent and commencement.– (1) This Act may be cited as the Pakistan Kidney and Liver Institute and Research Center Act 2014.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.– In this Act:

(a) “Academic Council” means Academic Council of the Institute;

(b) “Board” means the Board of Governors of the Institute;

(c) “Dean” means Dean of a school or college of the Institute;

(d) “Government” means Government of the Punjab;

(e) “Institute” means Pakistan Kidney and Liver Institute and Research Center established under the Act;

(f) “Member” means a Member of the Board;

(g) “prescribed” means prescribed by regulations made under the Act;

(h) “President” means President of the Board;

(i) “regulations” means regulations made under the Act;

(j) “Trust” means the Pakistan Kidney and Liver Institute and Research Centre Trust, Lahore registered as a society under the Societies Registration Act, 1860 (XXI of 1860); and

(k) “Vice President” means the Vice President of the Board.

¹ This Act was passed by the Punjab Assembly on 29 December 2014; assented to by the Governor of the Punjab on 2 January 2015; and published in the Punjab Gazette (Extraordinary), dated 2 .1.2015, pages 2021-2026.

3. Establishment of the Institute.— (1) The Government shall, by notification, establish an Institute to be known as the Pakistan Kidney and Liver Institute and Research Center as a not for profit organization.

(2) The Institute shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and shall by the name specified in subsection (1), sue and be sued.

4. Functions of the Institute.— The Institute shall perform the following functions:

- (a) to establish a center of excellence in medical and surgical care, teaching and research with respect to kidney, liver, bladder, prostate and pancreas diseases;
- (b) to provide free of cost or own cost basis diagnosis and treatment of kidney, liver and bladder diseases;
- (c) to educate people about prevention of kidney, liver, bladder, prostate and pancreas diseases;
- (d) to provide state of the art medical and surgical services to patients with kidney, bladder, prostate, liver and pancreas diseases irrespective of race, religion, color, creed, ethnic or financial status of patients;
- (e) to use a range of techniques which have been internationally developed for the diagnosis and assessment of medical and surgical care;
- (f) to promote various aspects of preventive medicines of kidney, bladder, prostate, liver and pancreas diseases;
- (g) to promote, finance, establish, run, manage and maintain a training institute, medical college, university, nursing college for the education and training of doctors, medical students, nurses, technicians and for the para-medical staff and other disciplines according to international standard and system;
- (h) to develop internationally recognized mechanism for the issuance of certificates, diploma and degree in such a manner that training certification shall be recognized locally and internationally;
- (i) to build, install and maintain operating theatres, nursing homes, convalescent homes, care centers, medical laboratories, ambulance service and medicine stores;
- (j) to purchase, take on lease or otherwise acquire any movable or immovable property;
- (k) to accept gift or other transfer of any moveable or immovable property;
- (l) to build, construct, alter and maintain buildings, houses or other construction for purposes of the Institute;
- (m) to enter into a memorandum of understanding or contract with any local or foreign entity for achieving the objectives of the Institute;
- (n) to induce and assist other agencies in control of health degradation in all its forms;
- (o) to propagate, promote and coordinate health policies and programs,

nationally;

- (p) to conduct surveys, surveillance, monitoring, measurement, examination and inspection to combat health degradation;
- (q) to take measures to promote the development of science and technology which shall contribute to the prevention of health degradation such as the consolidation of survey and research systems, the promotion of research and development work, the dissemination of the results of such research work and development work and the education and training of research experts;
- (r) to provide information and education to the public on health matters and to recommend the introduction of health information in the syllabi of educational institutions;
- (s) to seek the co-operation and assistance of professional bodies, scientific and business communities in promoting health awareness;
- (t) to publish newsletters and journals and to prepare and exhibit video films to promote and disseminate and to arrange seminars for the health awareness;
- (u) to award, from time to time, scholarships / rewards to outstanding students and scholars;
- (v) to distribute prizes in recognition of outstanding original research work;
- (w) to encourage, promote, support or arrange symposia, seminars, lectures, classes, demonstrations and exhibitions to advance the objectives of the Institute;
- (x) to undertake, in any other manner, the diffusion of knowledge and expertise on health issues;
- (y) to foster co-operation and co-ordination with local or foreign entities having objectives similar to those of the Institute;
- (z) to fund, subsidize, aid, assist, establish, maintain, run, administer and manage trusts, funds, grants and other benefactions in the furtherance of the objectives of the Institute;
- (aa) to establish, undertake, superintend, administer, control, subsidize and contribute to any provident, benevolent or charitable fund;
- (bb) to raise and borrow any monies and funds required for purposes of the Institute without security or on such security as the Institute may think fit and to repay any such borrowings;
- (cc) to invest monies of the Institute not immediately required in such securities, shares, debentures or otherwise in such manners as may from time to time, be determined by the Board;
- (dd) to guarantee the payment of money or performance of any obligation or undertaking and to stand security and perform and discharge obligations arising from the giving of guarantee or security;
- (ee) to promote, organize and establish branches and offices of the Institute; and

- (ff) to perform any other function as may be ancillary to the above functions or as may be prescribed.

5. Administration of the affairs of the Institute.— (1) The general direction and administration of the Institute and its affairs shall vest in the Board and the Board may exercise all powers and do all acts and things which may be exercised or done by the Institute.

(2) The Board shall exercise complete autonomy in the performance of its functions and the Government shall not interfere in the affairs of the Institute.

(3) The Board may make procedure for transaction and disposal of its business.

6. Board of Governors.— (1) The Board of Governors shall consist of the following:

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|-----|--|-----------------|
| (a) | Chief Minister, Punjab; | Patron in Chief |
| (b) | Secretary to the Government Health Department; | Member |
| (c) | Secretary to the Government Finance Department;
and | Member |
| (d) | eleven persons to be nominated by the Trust. | Members |

(2) The Trust shall nominate Members under subsection (1) for each term of five years and a retiring Member shall be eligible for re-nomination by the Trust.

(3) A private Member nominated by the Trust shall not be removed during the term of office except on the basis of enquiry conducted under section 8.

(4) The Board may co-opt any other person or expert in a meeting or for a specific object.

(5) A private Member may resign by tendering resignation to the President.

(6) A Member shall not be entitled to any remuneration for the services rendered as a Member except for traveling, boarding and lodging allowances but a Member may be eligible to receive remuneration for rendering of any professional services.

7. Meetings of the Board.— (1) The Board shall meet at least four times in a year.

(2) The President may convene a meeting of the Board.

(3) The Patron in Chief shall preside over a meeting of the Board; in the absence of the Patron in Chief, the President shall preside the meeting; and in the absence of Patron in Chief and President, the Vice President shall preside over a meeting of the Board.

(4) One third Members shall constitute quorum for a meeting of the Board.

(5) Decision of the Board shall be taken by simple majority of the Members present in voting, and, in case of tie, the person presiding shall have the second vote.

8. Removal of a private Member.— (1) If the Government is of the opinion that a private Member is unable to perform his functions as a Member due to mental or

physical infirmity or that the Member has committed a misconduct, it shall refer the matter to the Lahore High Court for appointment of a Judge of that Court to hold an enquiry into any such allegation.

(2) If the Judge of Lahore High Court recommends removal of the Member on the basis of the enquiry, the Government may remove such a Member.

(3) If a person is removed from the office of Member under this section, he shall not be eligible for reappointment under this Act.

9. Casual vacancy.— In case of any vacancy of the post of a private Member, the Trust shall fill such vacancy by appointing another person for the remainder of the tenure of the Member whose post has become vacant due to any cause.

10. Power and duties of the Board.— (1) The Board shall, subject to the provisions of this Act and regulations, exercise complete administrative, financial and academic powers in respect of the Institute as may be necessary for its proper and efficient functioning.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board may:

- (a) hold control and lay down policy for the administration of the property, funds, investment and resources of the Institute including the approval of the purchase or acquisition of immoveable property and borrow or raise money for the purpose of the Institute;
- (b) approve the proposed annual plan of work, the annual and revised budgets, the annual report and annual statement of accounts and to exercise supervision and overall control over the Institute;
- (c) approve the appointment of professionals, deans, teaching staff of the Institute or a committee;
- (d) consider annual research program, annual reports and audited statements of accounts of the Institute;
- (e) create, suspend or abolish such posts of medical, nursing, administrative, para-medical, teaching and non-teaching staff of the Institute as may be necessary;
- (f) prescribe terms and conditions of the teaching and non-teaching staff of the Institute;
- (g) consider and approve annual and revised budget estimates and to re-appropriate funds from one major head of expenditure to another and to appoint third party auditors;
- (h) cause proper books of accounts to be kept for all sums of money received and expended by the Institute and for asset and liabilities of the Institute;
- (i) make regulations; and
- (j) delegate any of its functions to the President, Vice President, a committee, or any other Member.

11. President.— (1) The Board shall elect the President from amongst the private

Members.

(2) The President shall be the Chief Executive of the Institute and shall perform such functions as may be delegated to him by the Board.

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

12. Vice President.— (1) The Board shall elect the Vice President from amongst the private Members.

(2) The Vice President shall perform such functions as may be assigned to him by the President or delegated to him by the Board.

(3) If, due to any cause, President is unable to perform his functions or where the office of the President has become vacant, the Vice President shall act as the President and shall perform all the functions of the President.

13. Dean.— (1) There shall be a Dean for each school or college of the Institute and shall be the executive head of the school or college.

(2) The Dean shall perform the following functions:

- (a) to keep in custody the records and seal of the school or college;
- (b) to authorize payments of monthly salaries and allowances to the employees of or the persons working in the school or college;
- (c) to prepare budget estimates and supplementary budget estimates of the school or college and place the same before the Board for approval;
- (d) to pass payment of bills under any head of the budget of the school or college;
- (e) to act as honorary member of the Board and to perform such functions with respect to Board meetings as may be assigned to him by the President or the Board;
- (f) to take steps for the implementation of decisions of the Board;
- (g) to receive and send all the correspondence of the school or college;
- (h) to execute deeds and documents on behalf of the school or college; and
- (i) to perform any other duties as may be assigned to him by the Board.

(3) The Dean shall not, except with the previous approval of the Board in each case or unless already approved in the budget duly itemized, allow expenditure on items of civil works, or capital expenditure on equipment or automobiles.

(4) The Dean may delegate any of his powers to any other officer or committee of the school or college of the Institute.

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

(2) The President, Vice President, a Dean and such other persons as may be nominated by the Board, shall be the members of the Academic Council.

(3) The President shall be the chairperson of the Academic Council and the Vice President shall be the vice chairperson of the Academic Council.

(4) The Academic Council may associate such other experts as it may consider necessary.

(5) The meetings of the Academic Council shall be held as frequently as possible, but not less than four times in a year.

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

15. Employees of the Institute.— (1) The Institute may hire the workforce and employees for services and operations of the Institute.

(2) The Institute may prescribe the terms and conditions of the service of various categories of employees.

(3) The employees of the Institute shall be liable to such disciplinary action and in such manner as may be prescribed.

16. Funds.— (1) There shall be a Fund of the Institute to be known as the Pakistan Kidney and Liver Institute and Research Center Fund which shall be operated and managed by the Board.

(2) The Fund shall consist of:

(a) grants made by the Government or by the Federal Government;

(b) donations and endowments received from any person or entity;

(c) income from investments and deposits;

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

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

(f) grants made by any local or international agency; and

(g) any other money received by the Institute from any source.

(3) The Government shall provide adequate funds to the Institute for construction, establishing and operation of various facilities of the Institute.

(4) The Government shall pay a part of annual recurrent expenditures of the Institute in order to enable the Institute to efficiently perform its functions.

17. Bank Accounts.— (1) All Funds of the Institute, not otherwise employed or invested, shall be deposited, to the credit of the Institute in such scheduled bank or banks as the Board may designate.

(2) The Board may authorize any officer or employee of the Institute to sign cheques, drafts and other orders for the payment of money from an account of the Institute as it deems appropriate.

18. Maintenance of accounts.— The Board shall cause the accounts of the Institute to be maintained in such form and in such manner as may be prescribed.

19. Accounts and audit.— (1) The Board shall ensure keeping of complete and proper books of accounts of the Institute for each financial year.

(2) The accounts of the Institute shall be audited every year through a third party chartered accountant or firm of chartered accountants and the Auditors shall present the annual audit report to the Patron in Chief.

(3) The Board shall appoint a reputed firm of chartered accountants as Auditor of the Institute and shall fix the remuneration of the Auditor.

(4) The President shall submit annual statement of accounts to the Board and the Board may pass such order as it deems necessary.

(5) The Patron in Chief shall transmit the audit report of the Institute to the Board for consideration.

20. Transfer of state land.— (1) The Government shall transfer, free of cost, appropriate piece of land to the Institute for the establishment of various facilities of the Institute enabling it to perform its functions under this Act.

(2) The Institute shall not transfer or permanently alienate its immovable property except through exchange of land for obtaining right of way.

21. Bar of jurisdiction.— No Court shall have jurisdiction to entertain any proceedings, grant any injunction or make any order in relation to anything done or purported to have been done or intended to be done in good faith under this Act.

22. Indemnity.— No suit or legal proceedings shall lie against the Government, the Board or any person in respect of anything which is done or purported to have been done or intended to be done in good faith under this Act.

23. Power to make regulations. — The Board may, by notification, make regulations, not inconsistent with the provisions of this Act, for carrying out the purposes of the Act.

24. Repeal.— The Pakistan Kidney and Liver Institute and Research Center Ordinance, 2014 (XVIII of 2014) is hereby repealed.