

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্যাপন সফল হোক”

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, আগস্ট ১৯, ২০২০

Government of the People's Republic of Bangladesh

Ministry of Health and Family Welfare

Notification

Dated : 13 August, 2020

S.R.O. No. 230-Law/2020.—In exercise of the powers conferred by section 25 of the Community Clinic Health Care Trust Act, 2018 (Act No. LII of 2018), the Government is pleased to publish the following authentic English text of the Act :

The Community Clinic Health Care Trust Act, 2018

Act No. LII of 2018

[8th October, 2018]

An Act to provide for the establishment of a Community Clinic Health Care Trust for the purpose of bringing primary health care services at the doorsteps of the rural people of the country in cooperation with the social organizations, private persons and institutions besides the Government, and for other matters ancillary thereto

Whereas it is expedient and necessary to provide for the establishment of a Community Clinic Health Care Trust for the purpose of bringing primary health care services at the doorsteps of the rural people of the country in cooperation with the social organizations, private persons and institutions besides the Government, and for other matters ancillary thereto;

(৮১২৩)

মূল্য : টাকা ১২.০০

It is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Community Clinic Health Care Trust Act, 2018.

(2) It shall come into force at once.

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

- (a) “community clinic” means the community Clinics setting up at ward level of the Union Council to ensure integrated primary health care services for the rural people;
- (b) “Trust” means the Community Clinic Health Care Trust established under section 3;
- (c) “Board of Trustees” means the Board of Trustees constituted under section 9;
- (d) “fund” means the fund of the Trust mentioned in section 14;
- (e) “regulations” means regulations made under this Act;
- (f) “rules” means rules made under this Act;
- (g) “Managing Director” ” means the Managing Director of the Trust;
- (h) “Member” means a Member of the Board of Trustees; and
- (i) “Chairman” means the Chairman of the Board of Trustees;

3. Establishment of the Trust.—(1) As soon as may be, after the commencement of this Act, the Government shall establish a Trust to be called the Community Clinic Health Care Trust for carrying out the purposes of this Act.

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

4. Setting up community clinics.—(1) The Trust may, with the prior approval of the Government, set up community clinics at any union of Bangladesh for carrying out the purposes of this Act.

(2) On the commencement of this Act, the community clinics set up by the Government, under the project titled 'Revitalization of Community Health Care Initiatives of Bangladesh (RCHCIB)' and the operational plan titled 'Community Based Health Care' shall vest in the Trust.

5. Office of the Trust.—The head office of the Trust shall be located at Dhaka and the Board of Trustees may, if it deems necessary, with the prior approval of the Government, set up its branch offices at any place of Bangladesh.

6. General direction and administration.—The general direction and administration of the affairs of the Trust shall vest in the Board of Trustees, and the Board of Trustees may exercise all powers and do all acts and things which may be exercised and done by the Trust.

7. Goals and objectives of the Trust.—There shall be the following goals and objectives of the Trust, namely :—

- (a) to ensure participation of people in the activities of providing integrated primary health care services to the rural people;
- (b) to provide integrated primary health care services to the rural people;
- (c) to take necessary social support, collect property or donations from people or organizations and make proper use of it, for providing integrated primary health care service; and
- (d) to establish an effective referral method from the community clinics to the Union Health Sub-Center, Upazila Health Complex, hospitals of district level, specialized hospitals and medical colleges and hospitals.

8. Advisory Council of the Trust.—(1) There shall be an Advisory Council of the Board of Trustees consisting of the following members, namely :—

- (a) the Prime Minister, who shall also be its Chairperson;
- (b) the Minister in-charge of the Ministry of Health and Family Welfare;
- (c) the Minister or State Minister or Deputy Minister in-charge of the Ministry of Finance;
- (d) the Minister or State Minister or Deputy Minister in-charge of the Ministry of Planning;
- (e) the State Minister or Deputy Minister in-charge of Ministry of Health and Family Welfare;
- (f) the Secretary, Health Services Division;
- (g) the Secretary, Medical Education and Family Welfare Division; and
- (h) 1 (one) prominent person to be nominated by the Prime Minister.

(2) The Prime Minister may, if necessary, authorize any Minister, who is also a member of the Advisory Council, to perform the duties of the Chairperson of the Council.

(3) The Advisory Council constituted under sub-section (1) shall, if necessary, from time to time, give direction and advice to the Board of Trustees.

9. Constitution of the Board of Trustees.—(1) The Board of Trustees shall consist of the following Members, namely :—

- (a) 1 (one) renowned philanthropist to be nominated by the Prime Minister, who shall also be its Chairman;
- (b) 1 (one) person prominent in the medical field to be nominated by the Prime Minister, who shall also be its Vice-Chairman;
- (c) the Secretary, Health Services Division or 1 (one) Additional Secretary of that Division, to be nominated by the Secretary;
- (d) the Secretary, Health Education and Family Welfare Division or 1 (one) Additional Secretary of that Division, to be nominated by the Secretary;
- (e) the Secretary, Finance Division or 1 (one) Additional Secretary of that Division, to be nominated by the Secretary;
- (f) the Secretary, Planning Division or 1 (one) Additional Secretary of that Division, to be nominated by the Secretary;
- (g) the Director General, the Directorate General of Health Services;
- (h) the Director General, the Directorate General of Family Planning;
- (i) the Managing Director, Essential Drugs Company Limited;
- (j) the President, Federation of Bangladesh Chambers of Commerce and Industries;
- (k) the Chairman, Bangladesh Association of Pharmaceutical Industries;
- (l) 3 (three) prominent persons, at least 1 (one) of whom shall be a female physician, nominated by the Government;
- (m) the Managing Director of the Trust, who shall also be its Member-Secretary.

(2) The Members nominated under clause (1) of sub-section (1) shall hold office for a period of 3 (three) years from the date of their nomination :

Provided that the Government may, at any time before expiry of such period, terminate any nominated member from his office without assigning any reason :

Provided further that any of such members may resign his office by writing under his hand addressed to the Government.

10. Duties and functions of the Trust.—The duties and functions of the Trust shall be as follows:—

- (a) to conduct necessary administrative, financial any other managerial functions for providing continuous integrated primary helth care services to the rural people by community clinics;
- (b) to collect money for the fund and use it;
- (c) to protect and maintain all movable and immovable property of the Trust;
- (d) to engage social institutions, private organizations and well-off people of the society including local government institutions in the programmes and activities related to integrated primary health care services for rural people;
- (e) to conduct management, administration and maintenance of the community clinics;
- (f) to activate and mobilize the community group comprising of representatives nominated from amongst the people of concerned area of community clinics to ensure the participation of people and availing primary health service;
- (g) to assist the community groups in opearting community clinics and activate and mobilize the community support groups comprising such number of voluntary women, men, adolescents as may be necessary, representing all sectors of the society to ensure health, family planning and nutrition service of the rural people;
- (h) to determine, by regulations, the scope and limit of integrated health service;
- (i) to ensure, where applicable, the use of digital system in all affairs of the Trust and community clinics; and
- (j) to do such other acts as may be determined by the Government and the Advisory Council.

11. Coordination and supervision.—(1) The programmes of the community clinics shall be operated through proper coordination with the Health Services Division, Directorate General of Health Services, Divisional Director (Health), District Civil Surgeon, Deputy Director of the Directorate General of Family Planning, Upzila Health and Family Planning Officer and the Office of the Upzila Family Planning Officer.

(2) To ensure proper implementation of the health service programmes of the Government by the community clinics, the officials working under the organizational framework of the Trust and the officials working under the administrative framework of the Health Services Division shall be responsible to the Managing Director for their respective duties of operating the community clinics.

(3) The Deputy Commissioners and the Upazila Nirbahi Officers shall supervise the programmes of community clinics regularly.

12. Formation of Committee.—(1) The Board of Trustees may, if it deems necessary, for efficient performance of its functions, form one or more committees or sub-committees and determine the procedure thereof.

(2) The committee or sub-committee shall consist of such number of members as may be determined by the Board of Trustees.

(3) The local people, particularly, the representatives of the families donated the land for establishing the concerned community clinic building, shall be included in the committee or sub-committee.

13. Meeting of the Board of Trustees.—(1) The Board of Trustees may, Subject to other provisions of this section, determine the procedure of its meeting.

(2) The meeting of the Board of Trustees shall be convened by the Member-Secretary with the approval of the Chairman and shall be held at such time and place as may be determined by the Chairman:

Provided that at least one meeting shall be held in every 3 (three) months, but the Chairman may, whenever he deems necessary, convene the meeting of the Board at any time.

(3) All meetings of the Board shall be presided over by the Chairman and, in his absence, by the Vice-Chairman and, in the absence of both, by a member nominated by the members present in the meeting.

(4) To constitute a quorum at a meeting of the Board of Trustees, not less than one-third of the total member of its members shall be present, but for an adjourned meeting no quorum shall be required.

(5) At a meeting of the Board of Trustees, each member of the Board shall have one vote and, in the event of equality of votes, the person presiding over shall have a second or casting vote.

(6) All decisions of the Board of Trustees shall be taken by majority of votes of the members.

(7) No act or proceeding of the Board shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Board.

14. Fund of the Trust.—(1) The Trust shall have a fund and it shall be divided into the following two parts, namely :—

- (a) Permanent Fund; and
- (b) Current Fund.

(2) Money received from the following sources, shall be credited to the Permanent Fund created under clause (a) of sub-section (1), namely :—

- (a) one-time grants allocated by the Government;
- (b) grants allocated by the Government, from time to time; and
- (c) profits, in total or part, accrued from the money deposited as such.

(3) The money of the Permanent Fund shall be deposited in any Scheduled Bank and such money can be spent for the purpose of implementation of the aims and objectives of the Trust, and the account of the Bank shall be operated with the signature of the Member-Secretary as per the decision of the Board of Trustees.

(4) Money received from the following sources, shall be credited to the Current Fund created under clause (b) of sub-section (1), namely :—

- (a) annual grants allocated by the Government;
- (b) grants and contributions from local persons or Authority;
- (c) voluntary financial aids from different public and private organizations;
- (d) voluntary financial aids from the expatriates;

- (e) grants from foreign development partners approved by the Government;
- (f) money received from other local or foreign sources approved by the Government;
- (g) voluntary grants from the well-off people of the society, industrialists, businessmen, professionals and other associations, social institutions, or from any other source;
- (h) profits, in total or part, accrued from investment of money of the fund;
- (i) money received from sale of lottery tickets approved by the Government.

(5) The day-to-day expenditure and salary and allowances of the employees of the Trust shall be met up from the money of the Current Fund.

(6) The money collected locally shall be credited to the current account of the local Bank by the name of community clinic, and such bank account shall be operated in such manner as may be approved by the Board of Trustees.

(7) The Trust may, on the basis of decision taken in the meeting of the Board of Trustees, take income-oriented programmes and make investment.

15. The Managing Director.—(1) There shall be a Managing Director of the Trust.

(2) 1 (one) Additional Secretary of the Government shall be appointed as Managing Director of the Trust, and the terms and conditions of his service shall be determined by the Government.

(3) The Managing Director shall be the whole-time Chief Executive of the Trust who shall—

- (a) be responsible for execution of decisions of the Board;
- (b) discharge such duties and functions as may be conferred on him by the Board; and
- (c) conduct the general administration of the Trust.

(4) If a vacancy occurs in the office of the Managing Director or if the Managing Director is unable to discharge the functions of his office on account of absence, illness or any other cause, an Additional Secretary nominated by the Government shall discharge the functions as the Managing Director until a newly appointed Managing Director enters upon his office or the Managing Director resumes the functions of his office, as the case may be.

16. Employees of the Trust.—(1) The Trust may, for the efficient performance of its functions, appoint such number of employees of different grades as are required according to the organizational framework approved by the Government.

(2) The terms and conditions of service of the employees of the Trust shall be prescribed by regulations.

17. Budget.—The Trust shall, by such date in each year as may be determined by the Government, submit an estimated budget to the Government for the next financial year showing the sum which are likely to be required for the Trust from the Government for that financial year.

18. Audit and accounts.—(1) The Trust shall maintain its accounts properly and shall prepare an annual statement of its accounts.

(2) The Comptroller and Auditor-General of Bangladesh, hereinafter referred to as the Auditor-General, shall audit the accounts of the Trust each year and send a copy of the audit report both to the Government and the Board.

(3) For the purpose of audit under sub-section (2), the Auditor-General or any person authorized by him in this behalf shall have access to all records, documents, cash or money deposited in the bank, securities, stores and other property of the Trust, and may examine any Member or employee of the Trust.

(4) Apart from the audit under sub-section (2), the accounts of the Trust may be audited by a Chartered Accountant as defined in Article 2(1) (b) of the Bangladesh Chartered Accountants Order, 1973 (P.O No. 2 of 1973), and in this behalf, one or more Chartered Accountants may be appointed.

19. Report.—(1) The Board of Trustees shall, after the end of every financial year, submit to the Government a report on the conduct of its affairs by 30 June of the next year.

(2) The Government may, at any time, require the Board of Trustees to furnish any report and statement on any matter of the Board of Trustees and the Board of Trustees shall comply with every such requisition.

20. Delegation of power.—The Board of Trustees may, if necessary and subject to such conditions as may be determined, delegate any of its powers or functions under this Act or rules made thereunder to the Chairman or any member or any employee of 9th or upper grade.

21. Power to make rules.—For the purposes of this Act, the Government may, by notification in the Official Gazette, make rules.

22. Power to make regulations.—For the purposes of this Act, the Board of Trustees may, with the prior approval of the Government, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act and the rules made thereunder.

23. Power to formulate policies.—For the purposes of this Act, the Board of Trustees may, with the prior approval of the Government, by notification in the official Gazette, formulate policies not inconsistent with the provisions of this Act and the rules made thereunder.

24. Savings.—Notwithstanding anything contained in any other Act, Memorandum of Understanding, Agreement or any instruments, for the time being in force, as soon as may be after the Act coming into force—

- (a) all movable and immovable properties, cash and deposits, and security, all claims, books of accounts, registers and other documents of the office of the project called Revitalization of Community Health Care Initiatives in Bangladesh (RCHCIB) concluded on 30 June, 2015, hereinafter referred to as the concluded project, and the operational plan called the Community Based Health Care, hereinafter referred to as the said plan, shall vest in the Trust;
- (b) any act done, measures taken or notice issued by the project office or Community Clinic under the concluded project and the said operational plan shall be deemed to have been done, taken or issued by the Trust;
- (c) all liabilities and obligations of the concluded project and the said operational plan shall be deemed to be the liabilities and obligations of the Trust;
- (d) all suits and legal proceedings instituted by or against the concluded project and the said operational plan shall be deemed to be the suits and legal proceedings instituted by or against the Trust;
- (e) the service of all officers and employees of the project called Revitalization of Community Health Care Initiatives in Bangladesh (RCHCIB) and the operational plan called the Community Based Health Care shall stand vested in the Trust and their seniority of the service shall be determined by regulations according to the

seniority of the service under the said project and plan, and they shall be entitled to other facilities including regularization in service, increment, promotion facility, gratuity and pension like the employees working in other existing statutory bodies in the country.

25. Publication of Authentic English Text.—(1) After the commencement of this Act, the Government may, by notification in the Official Gazette, publish an authentic English text of this Act.

(2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

By order of the President

মুহ়ু জাকির হোসেন
যুগ্মসচিব (লে. অ.)
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়।