

AN
ACT

*to re-constitute and re-organize the Khyber Pakhtunkhwa,
Medical Faculty, established under the
Medical Degree Act, 1916.*

WHEREAS it is expedient to re-constitute and re-organize the Khyber Pakhtunkhwa Medical Faculty established under the Medical Degrees Act, 1916 (Act No. VII of 1916) for the purpose of giving it necessary autonomy, raising its standard of training, examination, research, and improving its administration and to regulate, promote and streamline the education, training, examination and registration of paramedics and allied health professionals pertaining to preventive, promotive, curative, rehabilitative, environmental and occupational health sectors in the Province and for matters incidental there to and ancillary herewith;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Faculty of Paramedical and Allied Health Sciences Act, 2016.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. **Definitions.**---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) **“Chairperson”** means the Chairperson of the Governing Body;
- (b) **“Chief Executive Officer”** means the Chief Executive Officer of the Faculty, appointed under section 7;
- (c) **“Controller of Examinations”** means the Controller of Examinations of the Faculty appointed under section 9;
- (d) **“Faculty”** means the Medical Faculty, which is re-constituted and re-organized under section 3 of this Act;
- (e) **“Fund”** means the Fund established under section 10;
- (f) **“Governing Body”** means the Governing Body of the Faculty, constituted under section 5;
- (g) **“Government”** means the Government of the Khyber Pakhtunkhwa;
- (h) **“institution”** means institution which is imparting training in the field of paramedical and allied health sciences both in public and private sectors;

- (i) "Medical Faculty" means the Medical Faculty established in pursuance of the Medical Degree Act, 1961 (Act No. VII of 1961);
- (j) "paramedics" means a person who provides supportive service under the relevant laws for diagnostic, therapeutic, preventive, promotive and rehabilitative field in health care delivery system and has undergone a prescribed course of training in recognized institution and is registered as paramedics under this Act or paramedics council;
- (k) "prescribed" means prescribed by rules or regulations made under this Act;
- (l) "Registrar" means the Registrar of the Faculty appointed under section 8;
- (m) "regulations" mean regulations made under this Act;
- (n) "rules" mean rules made under this Act; and
- (o) "section" means the section of this Act.

3. Re-constitution of the Faculty.---(1) After the commencement of this Act, the Medical Faculty shall be re-constituted and re-organized in accordance with the provisions of this Act and shall be known as the Khyber Pakhtunkhwa Faculty of Para-Medical and Allied Health Sciences.

(2) The Faculty shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The Faculty shall have the power to acquire and hold both movable and immovable property. The Faculty, with prior approval of Government, lease, sell or otherwise transfer immovable property which vests in or has been acquired by it.

4. Powers and functions of the Faculty.---The Faculty shall-

- (a) consider the annual report of the Faculty, approve the annual budget and as the case may be, revise budget estimates of the Faculty;
- (b) approve financial resources and development plans of the Faculty;
- (c) sanction expenditures as may necessary for carrying out the functions of the Faculty.
- (d) receive and manage property transferred and grants, donations, gifts, bequests, trust, endowments and other subscription whether made generally or for specific purpose, and to invest any fund representing such property, grants bequests, trusts, gifts, donation endowments or contributions in such manner as it may deem fit;

- (e) invest any money belonging to the Faculty including any unutilized income in any of the securities described in section 20 of the Trust Act, 1882 or in the purchase of immovable property or in such other manner, as it may prescribe;
- (f) grant affiliation in the prescribed manner to institutions in private sector, which apply to the Faculty for affiliation or, as the case may be, de-notify the affiliation already granted in such a manner, as may be prescribed;
- (g) create, upgrade, re-designate or abolish such administrative posts in the Faculty as deem necessary and expedient;
- (h) constitute various committees for specialized functions as may be prescribed;
- (i) appoint members to various committees of the Faculty;
- (j) approve the policies and procedures pertaining to the quality of academic programmes and oversee the quality and relevance of the Faculty's academic programmes and to review the academic affairs of the Faculty, as and when necessary;
- (k) approve the policies, procedures pertaining to student related functions including expulsions, punishments, examinations and certification, etc in Institutions;
- (l) approve the policies and procedures assuring quality of teaching and research in an affiliated Institutions;
- (m) hold examinations in the Institutions and grant diplomas, certificates, scholarships, exhibitions, medals and prizes to students of the institutions etc;
- (n) prescribe courses of studies or curricula for training in the affiliated institutions;
- (o) prescribe standards, educational qualification, scoring criteria to ascertain the eligibility and merit of the candidates for admissions and training in the institutions;
- (p) register the successful candidates after receiving such diplomas and certificates issued by the Faculty and renewal of the registration on five yearly basis;
- (q) provide for the printing and publication of research and other work;
- (r) provide training in the field of paramedical and allied health services;
- (s) issue No Objection Certificate to the paramedics qualified or registered with the Faculty for practicing in his/her relevant

field or discipline under the supervision of a medical practitioner authorized by the Pakistan Medical and Dental Council subject to general policy of Government;

- (t) prescribe the terms and conditions for appointment of the officers and other staff or employees of the Faculty;
- (u) award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under the prescribed conditions and procedure;
- (v) provide the academic development through innovation of new disciplines or specialized fields keeping in view the requirement of the society or market in the health sector or, as the case may be, the advancement of health technology in the relevant fields;
- (w) impart Mother and Child Health education and training to paramedical staff;
- (x) demand and receive such fees and other charges as it may determine;
- (y) arrange for such refresher courses of paramedical and auxiliary staff and alumni on such terms and conditions as may be prescribed;
- (z) registration of paramedics;
- (aa) award equivalence to diplomas or certificates awarded from abroad or national institution, bodies or hospitals etc, in accordance with the prescribed standards; and
- (ab) perform such other functions as may be prescribed.

5. Constitution of the Governing Body.---(1) The administration, management and general control of the Faculty and its affairs shall vest in the Governing body, which shall exercise all powers and **perform** all acts and **functions** that may be exercised or done by the Faculty.

(2) The Governing Body, shall consist of-

- (a) Secretary to Government, Khyber **Chairperson**
Pakhtunkhwa Health Department;
- (b) Chief Executive Officer of the Faculty; Member
- (c) Additional Secretary, Finance Department; Member
- (d) Additional Secretary, Establishment Department; Member

- (e) Director General, Health Services; Member
- (f) Director, Provincial Health Services Academy; Member
- (g) a Principal of any Paramedical Institute in private sector nominated by Government, on rotation basis for period of one year; Member
- (h) a Principal of any Public Health School nominated by Government on rotation basis, for period of one year; Member
- (i) a Principal of a public sector Medical Institute nominated by Government on rotation basis, for period of one year; Member
- (j) Representative of the Provincial Paramedical Association; and Member
- (k) Registrar of the Faculty. Member-cum-Secretary

(3) The Governing Body may co-opt any expert in the relevant field for an initiative on need basis who shall not have a casting vote.

6. Meeting of the Governing Body.---(1) Meeting of the Governing Body shall be called by the Chairman on such date and at such place, as he may deem appropriate.

(2) **The Governing Body shall meet once every quarter.**

(3) Meeting of the Governing Body shall be presided over by the Chairman, or in his absence, a member to be nominated by the Chairman.

(4) Quorum for the meeting shall be one-third of the total membership of the Governing Body.

7. Chief Executive Officer.---(1) The Chief Executive Officer shall be posted by Government for a period of three years from amongst the eminent health professionals or academicians or from amongst the employees of Government in BPS-20 and above.

(2) The Chief Executive Officer shall be the principal executive and academic officer of the Faculty and shall ensure that the provisions of this Act, the rules and regulation to be framed thereunder, are faithfully observed and the decisions of the Governing Body are promptly implemented, in order to promote the order of the Faculty. He shall have powers necessary for this purpose, including administrative control over all employees of the Faculty.

(3) The Chief Executive Officer of the Faculty may, in a situation that in his opinion requires immediate action, ordinarily not in the competence of the Chief Executive Officer, take such action and forward, within seventy-two hours, a report of the action taken to the Chairman, who shall direct such further action as is considered appropriate.

(4) The Chief Executive Officer shall present to the Governing Body, an annual report regarding such information as pertaining to the academic year under review as may be prescribed, including disclosure of the relevant facts pertaining to. Academics, Curricula, Research and Administrative and financial affairs.

8. Registrar.---(1) The Registrar of the Faculty shall be posted by Government for a period of three years from amongst eminent health professionals or academicians.

(2) The Registrar shall be a full time officer of the Faculty and shall-

- (a) be head of the administration wing of the Faculty and be responsible for provision of secretariat support to the Chief Executive Officer;
- (b) maintain a register of students for various study, courses or trainings and examinations in the prescribed manner; and
- (c) perform such other functions as may be assigned by the Governing Body or as may be prescribed.

9. Controller of Examinations.---(1) The Controller of Examinations shall be posted by the Government for a period of three years from amongst eminent health professionals or academicians.

(2) The Controller of Examinations shall be a full time officer of the Faculty and shall be responsible for all matters related to the conduct of examinations, compilation of results and issuance of a gazette thereof.

(3) He shall ensure the conduct of examinations and matters related thereto in a transparent, with utmost objectivity and academically sound manner.

(4) He shall perform such other functions, as may be prescribed.

10. Fund.---(1)The Faculty shall have a Fund to be known as the Khyber Pakhtunkhwa Faculty of Paramedical and Allied Health Service Fund, which shall be credited the Government allocations, grants, donations, trusts, endowments, contributions or subscription and fees receive from the affiliated institutions, students registration and examination fees and all other sources.

(2) Government shall make budgetary allocation to the Faculty in incremental order till alternate arrangements are made by the Faculty through its own resources.

11. Audit and Accounts.---(1) The accounts of the Faculty shall be maintained and audited in such form and in such manner as may be prescribed.

(2) All the funds of the Faculty shall be credited to the Faculty accounts, to be maintained in a scheduled bank as per Government policy issued from time to time.

(3) Provision shall be made for internal audit of finances of the Faculty.

(4) The annual statement of accounts of the Faculty shall be prepared in conformity with the generally accepted accounting principles and shall be signed by the Chief Executive Officer. The annual audited statement of accounts so prepared shall be submitted to the Director Local Fund Audit for his observations.

(5) The observations of the Director Local Fund Audit, if any, together with annotations as the Accounts Officer of the Faculty may make, shall be considered by the Governing Body within six months of the closing of the financial (6) year.

(6) Accounts of the Fund shall be audited by the Auditor General of Pakistan.

12. Appointment of Officers.---The Governing Body may employ officers and such other staff or employees in service of Faculty in such manner and on such terms and conditions as may be prescribed.

13. Public Servants.---All employees of the Faculty shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

14. Rules.---Government may make rules for carrying out the purposes of this Act.

15. Regulations.---The Board of Governor may make regulations, not inconsistent with the provisions of this Act and the rules made there under for carrying out the purposes of this Act.

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

17. Repeal and savings.---(1) The Notification No. SOIII (T) 4-16/77, dated September, 1977, issued under the Medical Degrees Act, 1916 (Act No. VII of 1916) through which the Medical Faculty was established, is hereby repealed.

(2) Notwithstanding the repeal of the Notification ibid under subsection (1), all employees serving with the affairs of the Faculty, who are holding various posts till the enactment of this Act shall be deemed to have been validly appointed to these posts on regular basis on the commencement of this Act, having the same qualification and experience for the said posts.

(3) The institutions in private sector already affiliated with the Medical Faculty before the commencement of this Act shall be deemed to be affiliated with the Faculty under this Act.

(4) All rules, regulations and orders made or issued under the repealed Notification shall continue unless altered, amended or repealed under his Act or the rules made thereunder.

(5) The Degrees, Certificates or Diplomas already granted by the Medical Faculty till the commencing day of this Act, shall deem to be valid.

STATEMENT OF OBJECTS AND REASONS

In order to re-constitute and re-organize the Khyber Pakhtunkhwa, Medical Faculty for the purpose of giving it necessary autonomy, raising its standard of training, examination, research and improving its administration and registration of Paramedics and Allied Health professionals pertaining to preventive, promotive curative, rehabilitative, environmental and occupational Health, sectors in the province and for matters incidental and supplemental thereto, it is therefore expedient to provide for the establishment of Khyber Pakhtunkhwa Faculty of Paramedical and Allied Health Sciences. Hence, this Bill.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa