

A
BILL

*further to amend the Khyber Pakhtunkhwa Medical Teaching
Institutions Reforms Act, 2015.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015), for the purposes hereinafter appearing;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015), hereinafter referred to as the said Act, in section 2,-

(a) the existing clause (a) shall be re-numbered as clause (a-i) and before clause (a-i) as so re-numbered, the following clause shall be added, namely:

“(a) **“Appellate Tribunal”** means the Appellate Tribunal established under section 16-A of this Act;”;

(b) for clause (f), the following shall be substituted, namely:

“(f) **“Consultant”** means the medical faculties involved in patient care;” and

(c) after clause (l), the following new clause shall be inserted, namely:

“(l-i) **“Policy Board”** means the Policy Board constituted under section 4A of this Act;”.

3. Amendment of section 3 of the Khyber Pakhtunkhwa Act No. IV of 2015.--- In the said Act, in section 3, after sub-section (2), the following new sub-sections shall be added, namely:

“(3) Government may, by notification in the official Gazette, dissolve the Board of any Medical Teaching Institution and may either-

(a) transfer its administrative management to the Policy Board; or

Asstt. Legal Drafter
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Law Department

- (b) direct the Board of any other Medical Teaching Institution to administer its affairs:

Provided that the new Board shall be constituted under section 5 of this Act, within a period of three months.

(4) When a notification under sub-section (3) has been issued, all the powers and responsibilities entrusted to a Board under this Act shall be exercised by the Policy Board or the Board, as the case may be, in respect of such Medical Teaching Institution.

(5) Where a new Medical Teaching Institution is established under sub-section (1) and (2), as the case may be, Government may direct that it shall be administered by the Board of any existing Medical Teaching Institution, till such time as the Government may direct.”.

4. Amendment of section 4A of the Khyber Pakhtunkhwa Act No. IV of 2015.--- In the said Act, in section 4A, for sub-section (2), the following shall be substituted, namely:

“(2) The members shall hold office for a period of three (03) years or during the pleasure of the Government whichever is earlier and shall have such qualification as provided in sub-section (5) of section 5 of this Act and shall be eligible for re-appointment.”.

5. Amendment of section 5 of the Khyber Pakhtunkhwa Act No. IV of 2015.---In the said Act, in section 5,-

- (a) for sub-section (3), the following shall be substituted, namely:

“(3) The members shall be appointed by the Chief Minister on the recommendation of the Search and Nomination Council and they shall hold office for a period of three (03) years or during the pleasure of the Chief Minister whichever is earlier and shall be eligible for re-appointment.”; and

- (b) for sub-section (7), the following shall be substituted, namely:

“(7) Any member of the Board, who has been removed prior to completion of his term of three (03) years, may file an appeal in the Appellate Tribunal against the decision of his removal:

Provided that he shall not act as a member of the Board during the pendency of such appeal:

Provided further that no appeal shall lie in case services of any member of the Board are simply dispensed with, without any accusation or blame of misconduct.”.

6. **Amendment of section 8 of the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, in section 8, for sub-section (3), the following shall be substituted, namely:

“(3) A member from the private sector shall hold office for a period of three (03) years or during the pleasure of the Chief Minister, whichever is earlier and shall be eligible for another term of three (03) years or part thereof as the Chief Minister may deem appropriate.”.

7. **Amendment of section 16 of the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, in section 16,-

(a) for sub-section (8), the following shall be substituted, namely;

“(8) All employees of a Medical Teaching Institution shall have the right to file an appeal in the manner as may be prescribed by rules, against any penalty, termination of their employment or any order in connection with the terms and conditions of their service to the Appellate Tribunal established under section 16A of this Act.”; and

(b) sub-sections (9) and (10) shall be deleted.

8. **Substitution of section 16A of the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, for section 16A, the following shall be substituted, namely:

“**16-A Appellate Tribunal.**---(1) Government shall, by notification in official Gazette, establish an Appellate Tribunal to hear appeals under sub-section (7) of section 5 and sub-section (8) of section 16 of this Act and other matters related to or arising from the provisions of this Act.

(2) The Appellate Tribunal shall consist of a Chairman and such other members, not exceeding four in number, as the Government may appoint, in such a manner as may be prescribed by rules.

(3) The Chairman and other members of the Appellate Tribunal shall have such qualification and experience of service as may be prescribed by rules.

(4) The Chairman and the other members of the Appellate Tribunal shall be appointed for a term of three (03) years, in such a manner and with such other terms and conditions of service as the Government may prescribe by rules.

(5) The Appellate Tribunal shall have such staff with such terms and conditions of service as the Government may determined and until such staff is appointed, the Health Department, Government of Khyber

Pakhtunkhwa shall provide Secretariat support to the Appellate Tribunal.”.

9. **Insertion of new section 21-A in the Khyber Pakhtunkhwa Act No. IV of 2015.**---In the said Act, after section 21, the following new section shall be inserted, namely:

“21-A. **Indemnity.**---Except as otherwise expressly provided in this Act, no suit, prosecution or other legal proceedings shall lie against the Board, Policy Board or against any authority, for anything which is, in good faith, done under this Act or the rules or regulations made thereunder.”.

STATEMENT OF OBJECTS AND REASONS

It is desirable to amend the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015). Hence, this Bill.

Peshawar,
Dated the: 6 / 7 / 2020.


MINISTER-IN-CHARGE

Certified that the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms (Amendment) Bill, 2020 passed by the Provincial Assembly in its meeting held on 7th July 2020 and it is further certified that this is a money Bill.

(MUSHTAQ AHMAD GHANI)
Speaker,
Provincial Assembly of Khyber Pakhtunkhwa