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PROVINCIAL ASSEMBLY SECRETARIAT THE NORTH-WEST FRONTIER PROVINCE

NOTIFICATION

Dated Peshawar, the 28th October, 2009.

No.PA/NWFP/Bills/2009/38869.—The Paraplegic Centre (Taking Over and Re-establishment) Bill, 2009 having been passed by the Provincial Assembly of North-West Frontier Province on 14th October, 2009 and assented to by the Governor of the North-West Frontier Province on 24th October, 2009 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE PARAPLEGIC CENTRE (TAKING OVER AND RE-ESTABLISHMENT) ACT, 2009.

(N.-W.F.P. ACT NO. XX OF 2009)

*(First published after having received the assent of the Governor of the
North-West Frontier Province in the Gazette of the N.-W.F.P. (Extraordinary),
Dated the 28th October, 2009).*

AN
ACT

*to provide for taking over the Paraplegic Centre
at Hayatabad, Peshawar.*

Preamble.---WHEREAS a Centre known as Paraplegic Centre, was established on Government land at Hayatabad, Peshawar by the International Committee of the Red Cross in 1984 and later on the management thereof was assigned to the Branch of the Pakistan Red Crescent Society functioning in the North-West Frontier Province;

AND WHEREAS it is expedient to take over the management of the Centre and to re-establish it as such Centre to function under the administrative control of Government, so that the services being rendered by it, that is, the treatment of spinal cord injuries and matters related thereto, be continued in the public interest;

It is hereby enacted as follows:-

1. **Short title and commencement.**---(1) This Act may be called the Paraplegic Centre (Taking over and Re-establishment) Act, 2009.

(2) It shall come into force at once and shall be deemed to have taken effect from 9th January, 2008.

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) "Board" means the Board constituted under section 6;
- (b) "Centre" means the Paraplegic Centre at Hayatabad, Peshawar;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Chief Executive Officer" means the Chief Executive Officer of the Centre;
- (e) "Department" means the Health Department of the Government;
- (f) "Government" means the Government of the North-West Frontier Province;
- (g) "member" means a member of the Board and includes the Chairman;
- (h) "prescribed" means prescribed by rules;
- (i) "regulations" mean regulations made under this Act;
- (j) "rules" mean rules made under this Act;
- (k) "Schedule Book" means a bank for the time being included in the list of banks maintained under sub-section (1) of section 37 of the State Bank of Pakistan Act, 1956; and
- (l) "section" means a section of this Act.

3. **Taking over and re-establishment.**---(1) As from the commencement of this Act, the Paraplegic Centre, Hayatabad, Peshawar, shall be taken over by Government and shall be re-established as such Centre to work under the administrative control of Government for the treatment of spinal cord injuries and matters related thereto.

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

4. **Functions of the Centre.**--- The Centre shall-

- (a) provide treatment and rehabilitation services/appliances to patients with post-traumatic spinal cord injuries, on the basis of internationally accepted standards and, subject to any

law for the time being in force, coordinate with the non-governmental organizations, institutes and organizations of national and international repute in the relevant field;

(b) manage the affairs of the Centre with excellence; and

(c) develop and regulate the establishment of similar Centres both in public and private sectors, providing the required facilities to the patients with spinal cord injuries with a view to maintain high standards of services provided to them.

5. **Management.**---(1) The general direction and administration of the Centre and its affairs shall vest in the Board which shall exercise all powers and do all acts and things which may be exercised or done by the Centre in accordance with the provisions of this Act.

(2) The Board, in discharging its functions, shall be guided by such directions as Government may, from time to time, give.

(3) If the Board fails to obey any direction as aforesaid, Government may remove all the members including the Chairman and the Chief Executive Officer, and notwithstanding anything to the contrary contained in section 6, make such temporary arrangement to run the Centre as it deems fit, until fresh members are appointed in accordance with the provisions of this Act.

6. **Constitution of the Board.**---(1) For proper administration and control of the Centre and all its affairs, Government shall constitute a Board consisting of-

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| (i) | a suitable person from public or Private sector, having experience in management, health services and social welfare; | Chairman |
| (ii) | Secretary to Government, Finance Department; | Member |
| (iii) | Secretary to Government, Health Department; | Member |
| (iv) | Secretary to Government, Social Welfare Department; | Member |
| (v) | Secretary to Government, Planning and Development Department; | Member |
| (vi) | two prominent persons from Civil Society; | Members |
| (vii) | three prominent medical professionals with extensive experience in the field of medical and physical rehabilitation; | Members |
| (viii) | Chief Executive Officer. | Member-cum-Secretary. |

- (2) The Chairman and the members of the Board shall be appointed by Government.
- (3) The Chairman shall hold office for a term of three years. Non- official members shall hold office for a term of two years and shall be eligible for re-appointment.
- (4) The members shall hold office until their successors are appointed by Government in accordance with the provisions of this Act.
- (5) The members, other than ex-officio members, shall-
 - (a) receive such salary and allowances as Government may determine; provided that different salary or allowance may be determined for the Chairman; and
 - (b) perform such duties and functions as are assigned to them by or under the provisions of this Act or the rules made thereunder.

7. **Disqualification.**---No person shall be or shall continue to be the Chairman or a member who-

- (a) is or any time has been convicted of an offence involving moral turpitude; or
- (b) is or at any time has been adjudicated insolvent;
- (c) is found a lunatic or becomes of unsound mind; or
- (d) is or at any time has been disqualified for employment in, or dismissed from the service of Pakistan; or
- (e) is not a citizen of Pakistan.

8. **Removal of Chairman and members.**---Government may, by order in writing, remove the Chairman or a non official member if he-

- (a) refuses or fails to discharge or becomes, in the opinion of Government, incapable of discharging, his responsibilities under this Act; or
- (b) has, in the opinion of Government, abused his position as Chairman or member; or
- (c) has knowingly acquired or continue to hold, without the permission in writing of Government, directly or indirectly, or through a partner, any share or interest in any contract or employment with, by or on behalf of, the Centre, or in any property which, in his knowledge, is likely to benefit or has benefited him as a result of the operations of the Centre; or
- (d) has absented himself from three consecutive meetings of the Board without the leave of Government in the case of Chairman, or of the Chairman, in the case of a member.

9. **Resignation by Chairman or member.**---Notwithstanding anything contained in this Act, the Chairman or a non-official member may, at any time before the expiry of his term, upon three months notice, resign from his office, or upon similar notice, be removed from office by Government, without assigning any reason.

10. **Meetings of the Board.**---(1) The meetings of the Board shall be held at such times and at such places as may be prescribed by regulations:

Provided that at least one meeting shall be held in two month:

Provided further that until regulations are made in this behalf, such meetings shall be held at such times and at such places as may be determined by the Chairman.

(2) The quorum necessary for transacting business at a meeting of the Board shall be half of the total number of members of the Board in addition to the Chairman.

(3) All decisions in the meeting shall be taken by majority of votes. Each member, including the Chairman, shall have one vote, but in the event of equality of votes, the Chairman shall have a second or casting vote.

(4) The meetings of the Board shall be presided over by the Chairman, or in his absence by a member authorized by him in this behalf, or in default of such authorization, by a member elected from among themselves by the members present for the purpose of conducting business at a meeting.

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

11. **Functions of the Board.**---(1) Subject to section 5, the Board shall-

- (a) approve all plans, policies and programmes of the Centre;
- (b) examine and approve training and research programmes of the Centre;
- (c) examine and approve the annual evaluation report of the Centre for submission to Government;
- (d) approve the annual development and non-development budget of the Centre; and
- (e) perform such other functions as may be assigned to it by Government.

(2) The Board may constitute such Committees to carry out the purposes of this Act as it deems necessary.

(3) The constitution, functions and duties of the Committee shall be such as may be prescribed by regulations.

12. Chief Executive Officer.---(1) Government on the recommendation of the Board shall appoint a person, having sufficient experience of physical and medical rehabilitation, to be the Chief Executive Officer of the Board, on such terms and conditions as it may determine.

(2) In the performance of his functions, the Chief Executive Officer shall work within the framework of the general policy and guide-lines laid down by the Board.

(3) The Chief Executive Officer shall report to the Chairman on all important matters including financial or administrative matters and the Chairman shall take action accordingly.

13. Appointment of officers, advisors, etc.---(1) The Board may, appoint such officers, advisors and employees as it consider necessary for the efficient performance of its functions, on such terms and conditions as it may determine.

(2) The Board may employ such officers, experts, advisors, consultants and other persons as may be transferred to it by Government, on such terms and conditions as may be determined by the Board, provided such terms and conditions shall not be less favourable to these admissible to them under Government.

(3) The Chairman, in case of urgency, may appoint such officers, advisors, consultants and other employees as may be necessary:

Provided that every appointment made under this sub-section shall be reported to the Board without unnecessary delay and shall not continue beyond six months, unless approved by the Board.

14. Fund.---(1) There shall be a fund to be known as the "Centre Fund", which shall be utilized by the Board to meet charges in connection with its affairs under this Act, including salaries and other remunerations of the members and employees of the Board.

(2) The Centre Fund shall consist of-

- (a) grant-in-aid made by Government, including the Federal Government;
- (b) donations received from any source, including charitable institutions, philanthropists and international donor organizations;
- (c) income generated through investment of the Centre Fund; and
- (d) any other sum received by the Centre.

15. Custody and investment of Centre Fund.---(1) The Board may keep the Centre Fund in any Scheduled Bank as may be approved by it.

(2) Nothing in sub-section (1) shall be deemed to preclude the Board from investing any such moneys which are not required for immediate expenditure in any of the securities described in section 20 of the Trust Act, 1882 (Act No. II of 1882), or placing them in fixed deposit with a Bank approved by the Board or in such other manner as may be approved by it.

16. **Maintenance of accounts.**---The Board shall maintain proper accounts and other relevant records and prepare annual statement of accounts, including the profit and loss account and balance sheet, in such a manner as may be prescribed.

17. **Audit.**---(1) The accounts of the Board shall be audited by Chartered Accountants within the meaning of the Chartered Accountant Ordinance, 1961 (Ord. No. X of 1961), and appointed by the Board on such remuneration as it may deemed appropriate.

(2) Notwithstanding the audit provided for in sub-section (1), the Auditor General of Pakistan shall once a year audit or cause to be audited the accounts of the Board.

(3) A statement of accounts of the Centre and the report of the Auditor General on the said annual account shall be furnished to Government by the Board at the end of each financial year.

18. **Delegation of powers.**---The Board may by general or special order delegate to the Chairman, member, Chief Executive Officer or any other employee of the Board any of its powers, duties or functions under this Act or the rules, subject to such conditions as it may deem appropriate.

19. **Annual Report.**---The Board shall, as soon as possible at the end of every financial year, submit an annual report to Government on the conduct of its affairs for that year and on its proposals for the next financial year.

20. **Public servant.**---The Chairman, members, officers, advisors or other employees of the Board shall, while acting or purporting to act in pursuance of the provisions of this Act, or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

21. **Power to make rules.**---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

22. **Power to make regulations.**---The Board may, make regulations to provide for all matters, not provided for in the rules for which provision is necessary or expedient for carrying out the purposes of this Act.

23. **Repeal.**--- The Paraplegic Centre (Taking Over and Re-Establishment) Ordinance, 2007 (N.-W.F.P. Ordinance No. IV of 2007) is hereby repealed.

BY ORDER OF MR. SPEAKER,
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE

AMANULLAH
Secretary,
Provincial Assembly of NWFP