

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 12 of 2014

THE PUNJAB REPRODUCTIVE, MATERNAL, NEO-NATAL AND CHILD HEALTH AUTHORITY BILL 2014

A

Bill

*to provide for the establishment of the Punjab
Reproductive, Maternal, Neo-natal and Child Health Authority.*

Whereas it is expedient to establish an Authority for purposes of providing a legal framework for managing affairs of employees and staff of national program for primary healthcare and family planning and for ancillary matters;

It is enacted as follows:-

1. Short title and commencement.— (1) This Act may be cited as the Punjab Reproductive, Maternal, Neo-natal and Child Health Authority Act 2014.

(2) It shall extend to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act—

(a) “Act” means the Punjab Reproductive, Maternal, Neo-natal and Child Health Authority Act 2014;

(b) “Additional Director General” means the Additional Director General Health Services, Primary Health Care and Family Planning, Punjab appointed under section 5 of the Act;

(c) “assets” mean the movable and immovable property owned or controlled by the Authority;

(d) “Authority” means the Punjab Reproductive, Maternal, Neo-natal and Child Health Authority established under the Act;

(e) “Board” means the Board of Governors constituted under the Act;

(f) “Chairperson” means the Chairperson of the Board;

(g) “Director General” means Director General Health Services, Punjab;

(h) “employee” mean the employees or staff of national program for family planning and primary health program serving in the Punjab under the administrative control of provincial program management unit or a person appointed by the Authority, other than a civil servant working in the provincial program management unit or in the Authority on transfer, posting or deputation;

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

(j) “member” means a member of the Board; and

(k) “prescribed” means prescribed by rules or regulations.

3. The Authority.— (1) The Government shall, by notification, establish the Punjab Reproductive, Maternal, Neo-natal and Child Health Authority.

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

(3) The Authority shall not enter into any agreement or memorandum of understanding without prior general or special approval of the Government.

(4) The Authority shall not acquire or dispose of any immovable property without prior permission in writing of the Government.

(5) A person shall not enter upon or in any way use the assets without written approval of the Authority.

4. The Board.– (1) The Authority shall be managed and supervised by the Board of Governors consisting of the following:-

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| (a) | Minister for Health, Punjab and, in his absence, Advisor to Chief Minister on Health, or any other person nominated by the Government; | Chairperson |
| (b) | Secretary to the Government, Health Department; | Vice Chairperson |
| (c) | Secretary to the Government, Finance Department; | Member |
| (d) | Secretary to the Government, Law and Parliamentary Affairs Department; | Member |
| (e) | Secretary to the Government, Planning and development Department; | Member |
| (f) | Secretary to the Government, Population Welfare Department; | Member |
| (g) | Special Secretary to the Government, Health Department; | Member |
| (h) | Director General; | Member |
| (i) | Additional Director General; and | Member/Secretary |
| (j) | A renowned female public health specialist to be nominated by the Government. | Member |

(2) The Chairperson may, for a meeting of the Board or for a specific matter under consideration of the Board, co-opt any other person who is either an elected representative at national or provincial level, or is a renowned public health or public administration specialist from private or public sector.

(3) An act or proceedings of the Board shall not be invalid merely for reason of any vacancy or defect in the constitution of the Board.

(4) The Board shall meet at such time and place and shall observe such procedure in regard to transaction of business at its meetings as may be prescribed and until so prescribed as may be directed by the Chairperson.

(5) The meetings of the Board shall be presided over by–

- (a) Chairperson; or
- (b) in the absence of the Chairperson, by the Vice Chairperson; or
- (c) in the absence of the Chairperson and the Vice Chairperson, by such other member as the Chairperson may nominate.

(6) A member of the Board, other than an ex officio member, shall hold office for a term of three years and may be re-nominated by the Government for another term.

5. Qualifications of the members.– No person shall be nominated, or shall continue to be a member, if he:

- (a) is or, at any time, has been convicted of an offence involving moral turpitude; or
- (b) is or, at any time, has been declared insolvent; or
- (c) is found to be a lunatic or of unsound mind; or
- (d) is a minor; or
- (e) has a financial interest in any aspect of the Authority, or has a conflict of interest, directly or indirectly, with the Authority.

6. Additional Director General.– (1) The Government shall, on the recommendation of the Board, appoint an Additional Director General.

(2) The Additional Director General shall be the Chief Operating Officer of the Authority, and shall, subject to the general guidance and supervision of the Board, perform his functions under the administrative control of the Director General.

(3) The Additional Director General shall exercise such powers as are assigned to him by the Board or as may be prescribed.

(4) The Additional Director General shall–

- (a) be a whole-time employee of the Authority;
- (b) hold office during the pleasure of the Government;
- (c) be the principal accounting officer of the Authority; and
- (d) be competent to enter into contracts on behalf of the Authority in accordance with this Act.

(5) The Government shall determine the terms and conditions of the service of the Additional Director General.

(6) Notwithstanding the expiration of the term of the Additional Director General, the Government may allow him to continue to hold office for a further period of one year.

(7) Nothing contained in this section shall preclude the Government from re-appointing the Additional Director General to hold that office for a period not exceeding three years at a time.

(8) The Additional Director General may resign by tendering resignation to the Government or may be removed by the Government.

(9) The Additional Director General may, subject to the approval of the Board—

(a) delegate any of his financial powers to an officer of the Authority; and

(b) appoint an advisor, including legal advisor, or a consultant on such terms and conditions and for such period as the Authority may prescribe.

7. Powers and functions.— (1) Subject to the provisions of this Act and rules, the Authority may exercise such powers and perform such functions as may be necessary for carrying out purposes of the Act.

(2) In particular and without prejudice to the generality of the provision of subsection (1), the Authority shall—

- (a) administer and regulate the affairs of the employees, including terms and conditions of their services as community based workers;
- (b) employ and remove the employees working under its control;
- (c) develop and notify, with the approval of the Government, the terms and conditions of the service of the employees;
- (d) take or cause to be taken such measures as are required for entering into contracts including concession agreements, granting licenses and other contractual instruments for the following purposes:-
 - (i) improving contraceptive prevalence rate;
 - (ii) reducing unmet need for contraception;
 - (iii) increasing percentage of women receiving at least four antenatal cares from skilled providers;
 - (iv) increasing tetanus toxoid vaccination, skilled birth attendance, institutional deliveries, women receiving postnatal care and children fully immunized;
 - (v) increasing percentage of pregnant women knowing at least two danger signs of pregnancy and percentage of mothers aware of at-least two benefits of exclusive breastfeeding and early initiation of breast feeding and exclusive breast feeding;
 - (vi) increasing percentage of children, suffering from diarrhoea, treated with oral rehydration solution and zinc;
 - (vii) increasing percentage of mothers able to identify at least two danger signs in early childhood illness like pneumonia;
 - (viii) decreasing severe and moderate wasting prevalence; and
 - (ix) decreasing prevalence of anaemia among pregnant women.
- (e) develop and recommend the minimum service delivery standards for reproductive, maternal, neo-natal and child health and nutrition services, as may be notified by the Punjab Healthcare Commission under the Punjab Healthcare Commission Act 2010 (XVI of 2010);
- (f) play stewardship role in formulation of program policy guidelines in consultation with the stakeholders;
- (g) constitute and notify the technical advisory groups on different thematic areas for formulating technical guidelines; and
- (h) cause performance audit and internal financial audit to be conducted pertaining to primary health care and family planning services.

8. Delegation.– The Board may, subject to such conditions as it deems appropriate, delegate to the Additional Director General or an officer of the Authority any of its powers or functions under the Act.

9. Committees.– The Board may constitute such committees as it may deem necessary for carrying out the purposes of the Act.

10. Employees of the Authority.– (1) The Authority may, subject to the approval of the Board, appoint such persons as it deems necessary for the efficient performance of its functions under the Act and prescribed terms and conditions of their service.

(2) The Authority may devise a system to provide benefits in lieu of pension.

11. Directions to the Authority.– (1) The Government may give general or special directions to the Authority and the Authority shall comply with such directions.

(2) The Authority shall immediately act to rectify any neglect in the performance of its functions when so informed by the Government.

12. Fund.– (1) There shall be established a fund known as the Reproductive, Maternal, Neo-natal, Child Health Authority Fund, which shall vest in the Authority and which shall be utilized by the Authority to meet all its expenses and charges in connection with the discharge of its functions and powers under the Act, including the payment of salaries and remuneration to the employees.

(2) The Authority shall establish an escrow account in a scheduled bank approved by the Government and the account shall be collectively operated by the authorized representatives of the Authority.

(3) All monies credited in the Fund shall be deposited with the bank approved by the Government.

(4) The Fund shall be financed by–

(a) amounts or grants received from the Federal Government;

(b) amounts or grants received from the Government;

(c) amounts received from any other body or organization;

(d) proceeds of all charges and income from sale of assets, and any recovery made under the Act; and

(e) such other sum as may be received by the Authority.

(5) The Authority shall not obtain any loan and shall not incur any debt.

13. Budget and accounts.– (1) The Additional Director General shall place the annual budget statement of the Authority before the Board for approval before the commencement of a financial year.

(2) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures statement in such form and manner as may be prescribed.

(3) Within three months of the end of each financial year, the Authority, in the prescribed manner, shall cause to be prepared financial year statements of account of the Authority.

14. Audit.– (1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) The Government, in addition to the audit under subsection (1), may cause the annual accounts of the Authority audited, in the prescribed manner, by a chartered accountant or a firm of chartered accountants.

15. Annual report.– (1) The Authority shall, within three months of the close of a financial year, submit to the Government an annual report.

- (2) The report shall consist of—
- (a) a statement of accounts of the Authority;
 - (b) a comprehensive statement of the performance and activities of the Authority during the preceding financial year; and
 - (c) such other matters as may be prescribed and as the Authority may consider appropriate.

16. Members and employees to be public servants.— The Chairman, Vice Chairman, members, Additional Director General and employees of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of the Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

17. Immunity of the Authority and its employees.— No suit, prosecution or any other legal proceedings shall lie against the Authority, the Chairman, Vice Chairman, the Additional Director General or any employee of the Authority, in respect of anything done or intended to be done in good faith under the Act.

18. Act to prevail over other laws.— In the event of any conflict or inconsistency between a provision of the Act and a provision of any other law, the provisions of the Act shall, to the extent of such conflict or inconsistency, prevail.

19. Rules.— The Government may, by notification, make rules to carry out purposes of the Act.

20. Regulations.— (1) Subject to the Act and the rules, the Authority may frame regulations to give effect to the provisions of the Act.

(2) Without prejudice to the foregoing powers, such regulations may provide for appointment of its employees and other persons, terms and conditions of their service and performance of functions by the Authority.

21. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of the Act, the Government may, by notification, not inconsistent with the provisions of this Act, remove the difficulty within a period of two years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

At present, the affairs of the employees of National Program for Primary Health Care and Family Planning are not properly regulated despite the employees' regularization, in pursuance of the decision made by the Honourable Supreme Court of Pakistan in CrI.Org case No. 15 / 2012, dated 18-02-2013. While regulating the affairs of the employees, it is viable to keep the basic design of the program intact as a community based program so that the desired goals may be achieved.

Keeping in view the importance of the above referred field of health care, the Government has decided to establish an Authority for the purpose of providing a legal framework for managing affairs of employees and staff of National Program for Primary Health Care and Family Planning i.e. the Punjab Reproductive, Maternal, Neo-natal and Child Health Authority. Hence this Bill.

MINISTER INCHARGE

12 MARCH 2014

**RAI MUMTAZ HUSSAIN BABAR
SENIOR SECRETARY**