

[AS PASSED BY THE SENATE]

A

Bill

to amend the Shaheed Zulfikar Ali Bhutto Medical University, Islamabad, Act, 2013

WHEREAS it is expedient to amend the Shaheed Zulfikar Ali Bhutto Medical University, Islamabad, Act, 2013 (XV of 2013) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Shaheed Zulfikar Ali Bhutto Medical university, Islamabad (Amendment) Act, 2018.

(2) It shall come into force at once.

2. Amendment of section 2, Act XV of 2013.- In the Shaheed Zulfikar Ali Bhutto Medical University, Islamabad, Act, 2013 (XV of 2013), hereinafter called as the said Act, in section 2,-

(a) after clause (g), the following new clause shall be inserted, namely:-

“(ga) “Federal Medical and Dental College” or “FMDC” means the Federal Medical and Dental College of the Federal Government affiliated to the University;”;

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

“(i) “hospital” means a teaching hospital as notified by the Federal Government or an authority authorized by it in this behalf;” and

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

“(va) “University” means the Shaheed Zulfikar Ali Bhutto Medical University constituted under section 3;”.

3. Amendment of section 3, Act XV of 2013.- In the said Act, in section 3,-

(a) for sub-section (5), the following shall be substituted, namely:-

“(5) The Pakistan Institute of Medical Sciences Islamabad (PIMS) shall be a teaching hospital of the University and it shall be headed by an Executive Director appointed by the Prime Minister in the manner as may be prescribed under the Civil Servants Act, 1973 (LXXI of 1973) and the rules made thereunder.”; and

(b) sub-sections (6) and (7) shall be omitted.

4. Amendment of section 5, Act XV of 2013.- In the said Act, in section 5, after sub-section (3), the following new sub-sections (3A) and (3B) shall be inserted, namely:

“(3A) All the teaching posts and teaching faculty of the PIMS existing on commencement of the Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad (Amendment) Act, 2018 shall, subject to their option under sub-section (3B), stand transferred to the Federal Medical and Dental College.

(3B) The incumbents of the teaching posts to be transferred under sub-section (3A) may, within a period of not exceeding sixty days, exercise a one-time irrevocable option either to become employees of the Federal Medical and Dental College or, as the case may be, continue to be employees of the PIMS:

Provided that-

- (a) on exercise of such option the opted terms and conditions of their service shall not be less favourable than their terms and conditions existing before exercising the option;
- (b) no person who stands transferred to the Federal Medical and Dental College by virtue of sub-section (3A) shall, notwithstanding anything contained in any law, or any other instrument, for the time being in force, be entitled to any compensation because of such transfer; and
- (c) incumbents of the teaching posts who do not exercise any option within the said sixty days shall be deemed to have opted to continue to be employees of the PIMS.”.

5. Amendment of section 12, Act XV of 2013.- In the said Act, in section 12, for sub-section (1), the following shall be substituted, namely:-

“(1) The Vice-Chancellor shall be appointed by the Chancellor in accordance with the provisions of this Act.”.

6. Amendment of section 19, Act XV of 2013.- In the said Act; in section 19, for sub-sections (2) and (3), the following shall be substituted, namely:-

“(2) Until the terms and conditions of service of the employees of the University are prescribed under this Act, all service rules, regulations and instructions as are applicable to civil servants of respective pay scales and status governed by the Civil Servants Act, 1973 (LXXI of 1973) shall apply to the employees of the University in so far as they are not inconsistent with the provisions of this Act.

(3) The employees of the PIMS who on or after commencement of this Act but before commencement of the Shaheed Zulfikar Ali Bhutto Medical University, Islamabad (Amendment) Act, 2018-

- (a) did not exercise any option shall continue to be governed by the Civil Servants Act, 1973 (LXXI of 1973) and the rules made thereunder; and
- (b) had exercised the option to become employees of the University may, within sixty days of the commencement of the Shaheed Zulfikar Ali Bhutto Medical University, Islamabad (Amendment) Act, 2018, exercise a one-time irrevocable option either to be governed by the Civil Servants Act, 1973 (LXXI of 1973) and the rules made thereunder or, as the case may be, to continue to be employees of the University.

(4) Where a person, required to exercise option under clause (b) of sub-section (3), does not exercise the option within the said period, he shall be deemed to have exercised the option to be governed by the Civil Servants Act, 1973 (LXXI of 1973) and the rules made thereunder.

(5) The terms and conditions of service of all persons serving in connection with the affairs of any institution, institute or teaching department in any capacity transferred from the University or deemed under sub-section (4) to have exercised the option to be governed by the Civil Servants Act, 1973 (LXXI of 1973) and the rules made thereunder shall be determined in the prescribed manner under the Civil Servants Act, 1973 (LXXI of 1973) and the rules made thereunder.

(6) The terms and conditions of the employees determined under sub-section (5) shall not be less favourable than those admissible to them immediately before exercising the irrevocable option or deemed under sub-section (4) to have exercised the option.

(7) Any question arising under sub-sections (3) to (6) of this section and sub-section (1) of section 34 shall be referred to an anomalies committee to be constituted by the Prime Minister for a period of one year.

(8) No person who stands transferred to the PIMS by virtue of sub-section (3) or deemed to have exercised the option as provided for in sub-section (4) shall, notwithstanding anything contained in any law, or any other instrument, for the time being in force, be entitled to any compensation because of such transfer.”

7. Amendment of section 34, Act XV of 2013.- In the said Act, in section 34, for sub-section (1), the following shall be substituted, namely:-

"(1) All movable and immovable assets, funds, rights, privileges, liabilities, obligations, interests, etcetera whatsoever, which before commencement of the Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad (Amendment) Act, 2018 were deemed to be the movable and immovable assets, funds, rights, privileges, liabilities, obligations, etcetera of the University, stand transferred to, owned and possessed by the PIMS and be maintained by the Federal Government or such authority as it may authorize in this behalf:

Provided that such movable and immovable assets, funds, rights, privileges, liabilities, obligations, etcetera in respect of the PIMS shall for the purpose of teaching only be enjoyed by the University till acquisition of such movable and immovable assets, funds, rights, privileges, liabilities, obligations, etcetera by the University from its own funds and resources."

STATEMENT OF OBJECTS AND REASONS

Normally, either a medical university is established as a new entity or a Medical college is upgraded to the status of a university. A number of examples can be cited in this regard: King Edward Medical University, Lahore was established by upgrading the King Edward Medical College, DOW University of Health Sciences was established by upgrading DOW Medical College / Sindh Medical College. Khyber Medical University was established as a new university. Liaquat Medical and Health Sciences University was established by upgrading Liaquat Medical College. Public sector hospitals are attached with these colleges / universities as teaching hospitals but are administered and maintained by the respective provincial health departments.

2. In the case of Shaheed Zulfiqar Ali Bhutto Medical university (SZABMU), Pakistan Institute of Medical Science (PIMS), a tertiary level hospital, was upgraded to become a university which is an anomaly. This anomaly in the Act has caused great resentment in the three thousand strong human resource of PIMS and the public at large. The entire human resource is apprehensive about the hospital becoming a university. They are of the view that their status as a civil servant will be endangered which is detrimental to their interest.

3. Furthermore, PIMS is a public sector tertiary level hospital, providing quality health services at very affordable cost, not only to the people of the ICT area but also to the people of the adjoining districts, as well as GB, AJK, FATA KPK etc. This hospital has a patient turnover of around 13,21,645 per year and the Government is spending around 5 billion rupees annually on this hospital and its services. The up-gradation of PIMS to the status of a university will make PIMS an autonomous corporate body that will have serious repercussions for the general public. This hospital / university shall not be able to provide the general public health care services at such cheap costs.

4. Many sections / sub-sections / clauses of the Act of SZABMU are in conflict with the Higher Education Commission / Federal University Ordinance which lays down guiding principles for the establishment of a new university. This Bill, therefore, seeks to remove the above stated anomalies in order to align the provisions of this Act with the HEC Federal Universities Ordinance, 2002 and other public sector medical universities legal framework.

DR. TARIQ FAZAL CHAUDHARY
MINISTER OF STATE FOR CAPITAL ADMINISTRATION
AND DEVELOPMENT DIVISION