

ORDINANCE NO. XVIII OF 2020

AN
ORDINANCE

to re-organize and create the National Institute of Health

WHEREAS it is expedient to re-organize the National Institution of Health and to provide for an autonomous body to operate and manage institutes and centers for carrying out research and for the prevention of the spread of infectious diseases and health emergencies in Pakistan, for the purposes hereinafter appearing;

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

It is hereby enacted as follows:-

**CHAPTER I
PRELIMINARY**

1. **Short title, extent and commencement.**—(1) This Ordinance shall be called the National Institute of Health (Re-organization) Ordinance, 2020.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

**CHAPTER II
DEFINITIONS**

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context;
 - (a) “Board” means the Board of Governors of the NIH established under section 6;
 - (b) “center” means a center established under section 4;
 - (c) “Chairperson” means the Chairperson of the Board;
 - (d) “Chief Executive Officer” means the Chief Executive Officer of NIH appointed by the Board;
 - (e) “Chief Financial Officer” means the person appointed under section 22;
 - (f) “confidential national data” means such data as may be defined as confidential in the national or security interests of Pakistan by the Federal Government;
 - (g) “Executive Director” means the Executive Director of an institute or center appointed by the Federal Government;

- (h) "Institute" means an institute provided for under section 4;
- (i) "National Institute of Health" or "NIH" means the National Institute of Health established under section 3;
- (j) "prescribed" means prescribed by rules or regulations made under this Ordinance;
- (k) "rules" means rules made under this Ordinance;
- (l) "regulations" means regulations made by the Board under this Ordinance; and
- (m) "unit" means a unit established within an Institute or Center.

CHAPTER III NATIONAL INSTITUTE OF HEALTH

3. **Establishment of the National Institute of Health.**—(1) Immediately and not later than thirty days after the commencement of this Ordinance, the Federal Government shall establish an autonomous body, in accordance with the provisions of this Ordinance, to be called the National Institute of Health.

(2) The National Institute of Health shall be an autonomous body corporate having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and shall by its name sue and be sued.

(3) The headquarters of the National Institute of Health shall be at Islamabad.

(4) The National Institute of Health shall be subject to policies of the Federal Government.

4. **Institutes and Centers of Health and Disease Control.**—(1) The following institutes and centers for health and disease control shall be setup and operate under the control and authority of the National Institute of Health;

- (a) Center for disease control;
- (b) Health Research Institute;
- (c) National Health Laboratory;
- (d) Health Data Center;
- (e) Institute of Nutrition and Health;
- (f) Vaccine and Biological Products Center; and
- (g) Center for environmental and occupational health.

(2) Each institute and center shall be headed by an Executive Director appointed in accordance with the provisions of this Ordinance.

5. **Search and nomination committee.**—(1) The Prime Minister shall constitute a search and nomination committee, for recommendations of persons suitable to be appointed as members of the Board of Governors, which shall consist as per following Table, namely:-

Table

| Sr. No. | Person appointed or nominated | Status |
|---------|--|---------------|
| (1) | (2) | (3) |
| a. | Minister in-charge or a Federal Minister nominated by the Prime Minister | Chairman |
| b. | Secretary Establishment Division | Vice Chairman |
| c. | Secretary Ministry of National Health Services | Member |
| d. | The head of a renowned public or private medical university | Member |
| e. | The head of a public or private Medical institution renowned for research | Member |
| f. | A representative of civil society with substantial contribution to public healthcare to be nominated by the Prime Minister | Member |
| g. | A senior member of the medical profession to be nominated by the Prime Minister | Member |

(2) The Chairman shall chair the meeting of the search and nomination committee and in his absence, the Vice Chairman shall chair the meeting.

(3) A member nominated under sub-section (f) or (g) shall, unless otherwise directed by the Prime Minister, hold office for a period of three years and shall be eligible for another term of three years or part thereof as the Prime Minister may deem appropriate:

Provided that the appointing authority, may remove a member other than *ex-officio* member at any time after giving him an opportunity of being heard.

(4) A quorum for a meeting of the Committee shall be five members of which at least three are members appointed under clause (d) to (g) of sub-section (1). All decisions of the Committee shall be taken by a majority.

6. **Board of Governors.**—(1) There shall be a Board of Governors of the NIH to administer and manage its affairs and shall have overall superintendence and control over the functions of the NIH and the Institutes and Centers functioning under the NIH and all related matters.

(2) The Board shall comprise of the following nine members, none of whom shall have a conflict of interest including any affiliations with interest groups or non-governmental organizations;

- (a) Secretary, Ministry of National Health Services, Regulation and Coordination *Ex-officio*;
- (b) Surgeon General of Pakistan;
- (c) an Infectious disease specialist of recognized high repute and standing with not less than twenty years' experience in the field;
- (d) a Pathologist of recognized high repute and standing with not less than twenty years experience in the field;
- (e) a scientist in the basic health fields, such as physiology, immunology, neurosciences, genetics, proteomics etc. of recognized high repute and standing with not less than twenty years experience in the field;
- (f) a Microbiologist or Molecular Biologist of recognized high repute and standing with not less than twenty years experience in the field;
- (g) a person specializing in research in health nutrition, occupational health or environmental health and of recognized high repute and standing with not less than twenty years experience in the field;
- (h) a clinical research scientist of recognized high repute, as assessed, amongst other qualities, by number of peer reviewed publications in indexed journals, citation index and impact factor; and
- (i) any person nominated by the Prime Minister.

(3) The members under clause (c) to (h) of sub-section (2) shall be appointed and notified by the Government on the recommendation of the Search and Nomination Committee constituted under section 5, provided that the members shall hold office for a period of three years and be eligible for re-appointment for one further term.

(4) The Chairperson shall be appointed by the Prime Minister from amongst the members appointed under clause (c) to (i) of sub-section 2 and he shall preside over the Board meetings. In case of his absence, the Board shall elect an acting Chairperson.

(5) A member other than members under clause (a) and (b) of sub-section 2, shall cease to hold office if he resigns or fails to attend three consecutive meetings without sufficient cause or for any other reasons which incapacitate the member to remain as member. Any such vacancy shall be filled within one month.

(6) The membership of a member, other than members under clause (a) and (b) of sub-section 2, may be terminated by the Government by notification and for reasons to be recorded on grounds of incompetence, or on the grounds in sub-section 7, or in view of actions of such member which brings the NIH or the Board into disrepute.

(7) No person shall be appointed under clause (c) to (i) of sub-section 2, or remain as a member of the Board, if such person;

- (a) is not of sound mind;
- (b) has applied to be adjudged as an insolvent and his application is pending;
- (c) is declared by a competent court of law as an un-discharged insolvent;
- (d) has been convicted by a court of law for an offence involving moral turpitude;
- (e) has been debarred from holding any office under any provisions of law; or
- (f) has a conflict of interest with such a position.

7. Powers of the National Institute of Health.—(1) The NIH through the Board of Governors shall:-

- (a) frame policies for the financial and administrative management of the affairs of the institutes and centers functioning under the NIH and do all such acts and take all such steps as are necessary for the promotion and fulfillment of the objectives and functions of the NIH, institutes and centers;
- (b) frame regulations to govern the working of each of the institutes and centers and to lay down procedure for the conduct of the business of the NIH, institutes and centers and its various committees and sub-committees;

- (c) prescribe functions of an institute or center in addition to those prescribed under this Ordinance;
 - (d) be the custodian of the national health fund and administer the fund;
 - (e) frame national policies and programs for disease control;
 - (f) provide a national or provincial health disease advisory to the Federal Government and any or all the Provincial Governments;
 - (g) appoint working groups, committees and sub-committees from amongst its members or experts, whether foreign or Pakistani, as it may consider necessary to assist it in the discharge of its functions or assist in the discharge of the functions of any institute or center as deemed necessary;
 - (h) appoint and prescribe the terms and conditions of employment and manner of appointment for all officers and employees of the NIH and each of its institutes and centers to carry out the purposes of this Ordinance; and
 - (i) prescribe fees and charges for services to be rendered by the NIH or any institute or center on a commercial basis for raising revenue.
- (2) In the discharge of its functions, the Board shall be guided by policies of the Federal Government and the Provincial Governments as may be issued from time to time.

8. **Functions of the Board.**—(1) The functions of the NIH and its Board of Governors, and its institutes and centers where applicable, notwithstanding additional functions and powers of each Institute and Center provided for in this Ordinance, shall include—

- (a) to advise the Federal Government and Provincial Governments on the control of diseases by suitable methods;
- (b) to implement programs of disease control;
- (c) to implement any schemes for health management and disease control as approved by the Federal Government or a Provincial Government under a bilateral arrangement with the NIH;
- (d) to investigate epidemics and other communicable diseases and to conduct research on these using modern techniques and achieve

excellence and to collaborate with other concerned agencies under the Federal Government or the Provincial Governments;

- (e) to develop methodology and standardized techniques for investigating various diseases and health issues prevalent in the country;
- (f) to disseminate these techniques to the people working in the health profession including but not limited to training programs;
- (g) to promote medical research in all medical and related fields by review and provision of research funds for research projects, and overview of these projects for scientific validity and ethical standards.
- (h) To advise regarding environment with special reference to air, water and food pollution;
- (i) to advise government on legislation regarding occupational health and to promote research into occupational and environmental health;
- (j) to analyze and test the quality of drugs and act as a laboratory for the purpose of sub-section (5) of section 22 of the Drugs Ordinance, 1976 (XXXI of 1976);
- (k) to function as a producer of vaccines, sera and biologic products for prophylactic and therapeutic use and acquire capability of meeting domestic and foreign demands;
- (l) to collaborate with international and domestic research institutes, universities and agencies for the purposes of promoting, fostering and enhancing medical and health research;
- (m) to collaborate with the World Health Organization in matters of disease and health;
- (n) to conduct research on applied nutrition and undertake nutrition education programme;
- (o) to advise and assist the Federal Government and Provincial Governments and regulatory authorities in developing food standards and pure food laws;

- (p) to collect data from all over Pakistan relating to health and disease research and control;
- (q) to issue an annual national health and disease report and approve the annual reports to be issued by each institute and centre;
- (r) to conduct the audit of the NIH and all its institutes and centers and approve the annual cumulative accounts of the NIH;
- (s) to prepare and approve the annual budget of the NIH and each institute and center and recommend to the Federal Government for approval the annual budget which requires a grant by the Federal Government;
- (t) to prescribe the terms of services of the Chief Financial Officer, Executive Directors and all other persons employed by the NIH and its institutes and centers commensurate with their roles, responsibilities and organizational hierarchy;
- (u) to enter into any and all contracts to carry out the purposes of the Ordinance as may be necessary;
- (v) to receive funding, donations or grants in any form or manner for the purposes of the Ordinance and to carry out functions of the Board;
- (w) to approve the creation of a Division within an institute or center and define its functions and scope of work;
- (x) to develop a national health emergency action plan; and
- (y) to perform such other functions as the Board may decide.

(2) The NIH may on behalf of the Federal Government or a Provincial Government, perform functions relating to research and investigation on health and disease problems on such terms and conditions as may be agreed upon between the NIH and the Federal or Provincial Government.

9. **Meetings of the Board.**—(1) The meeting of the Board shall be called by the Chairperson on such date and at such time and place as may be specified by him.

(2) The Board shall meet at least once every three months.

(3) To constitute a quorum at a meeting of the Board not less than five members shall be present.

(4) All the meetings of the Board shall be presided at by the Chairperson and, in the absence of the Chairperson, by the acting Chairperson.

(5) All matters shall be decided at a meeting of the Board by a majority of the members present and voting, and, in the case of equality of votes, the Chair shall have a casting vote. There shall be no proxy votes at a meeting of the Board:

Provided that, in an emergency, any matter may be decided by circulation among all the members and any proposal so circulated and approved by a majority of the members shall be as effective and binding as if such proposal had been approved at a regular meeting of the Board.

(6) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in or defect in the constitution of the Board.

10. Chief Executive Officer.—(1) The Board shall select and recommend to the Federal Government for appointment an Executive Director of any of the institutes or centers as the Chief Executive Officer.

(2) The Chief Executive Officer shall attend the meetings of the Board of Governors and shall perform such functions as prescribed including the consolidated administration and functioning of the National Institutes of Health.

10A. Executive Directors.—(1) The Board shall through a transparent and merit based process select and recommend to the Federal Government for appointment of an Executive Director for each of the institutes and centers of the NIH provided under Section 4 in the manner prescribed under this Ordinance.

(5) The vacancy of an Executive Director shall be advertised in national and international print media and on the web site of the NIH and the Ministry of National Health Services, Regulations and Coordination.

(3) The Board shall prescribe qualifications and eligibility criteria for the post of each Executive Director.

(4) The Board shall from amongst the applicants shortlist not less than five applicants for interview in person by the Board and select by a majority the candidate on merit for the post of Executive Director.

(5) Unless earlier removed by the Federal Government on the recommendation of the Board, the term of an Executive Director shall be four

years. An Executive Director may resign his office by writing under their hand addressed to the Chairperson of the NIH.

(6) The terms and conditions of service of an Executive Director shall be prescribed by the Board commensurate with the qualifications and experience of the person to ensure a person of the highest capability.

(7) The Board may recommend to the Federal Government re-appointment an Executive Director for one further term on the expiry of their first term based on their performance.

(8) An Executive Director shall have no conflict of interest and shall issue a declaration of no conflict.

11. Functions and Powers of Executive Director.—(1) An Executive Director shall be the administrative head of the relevant institute or center.

(2) The Executive Director shall,—

- (a) keep in custody the records and seal of the institute or center;
- (b) appoint officers and other employees of the institute or center as may be delegated by the Board in the prescribed manner;
- (c) supervise and control the administration of the institute or center, including disciplinary action against employees in a manner prescribed by the Board;
- (d) authorise payments and incur expenditures in accordance with financial rules as may be prescribed;
- (e) to execute deeds, documents and contracts on behalf of the institute or center in a manner delegated by the Board;
- (f) propose budget estimates and revised budget estimates and in consultation with the Chief Financial Officer prepare the same to be placed before the Board for approval;
- (g) take steps for the implementation of the functions of the institute or center, decisions of the Board, working groups, committees and sub-committees;
- (h) prepare the annual report of the institute or center and present to the Board for approval;
- (i) negotiate grants, funding and receive donations for the benefit