



THE GAZETTE OF AZAD

JAMMU AND KASHMIR

EXTRA ORDINARY GAZETTE
PUBLISHED BY AUTHORITY

VOL.LX

Muzaffarabad Dated 24th April , 2014

No.42

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR

Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”
Dated: 07-04-2014.

No. LD/Legis-Act/314-25/2014. The following Act of Assembly received the assent of the President on the 1st day of April, 2014, is hereby published for general information.

[Act XVIII of 2014]

**An
Act**

to provide for the constitution of Governing Body for Medical Colleges in the Azad Jammu and Kashmir

Whereas it is expedient to provide for the constitution of Governing Body for Medical Colleges in Azad Jammu and Kashmir for the efficient administration and management of the affairs of such colleges;

It is hereby enacted as follows:-

1. Short title, Extent and Commencement.- (1) This Act may be called the Azad Jammu and Kashmir Medical Colleges (Governing Body) Act, 2014.

(2) It shall extend to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once and shall be deemed to have taken effect from 30.12.2013.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context:-

(a) “Approved Hospital” includes any hospital and medical institute or medical training center attached thereto;

(b) “Chairman” means the Chairman of a Governing Body;

- (c) "Government" means the Azad Government of the State of Jammu and Kashmir;
- (d) "Governing Body" means a Body constituted under Section 4;
- (e) "Medical Institution" means any institution recognized under this Act within the territorial jurisdiction of Azad Jammu and Kashmir, which trains for, or grants or both trains for and grants, degree or diploma in Medicine;
- (f) "Principal" means Principal of Medical College; and
- (g) "Prescribed" means prescribed by rules made under this Act.

3. Establishment of Medical Colleges. (1) The Government may by notification establish a Medical College which shall be governed and administered under this Act.

(2) The Medical College shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property as prescribed and may, by its name, sue and be sued:

Provided that the disposal of land and structure thereon shall be subject to the approval of Governing Body.

4. Constitution of Governing Body.- (1) There shall be constituted Governing body for all Medical Colleges to be established in the Azad Jammu and Kashmir, for the efficient administration and management of all Medical Colleges, in the manner hereinafter appearing.

(2) The administration and management of the affairs of a Medical College shall vest in the Governing Body in accordance with provisions of this Act.

5. Composition of Governing Body.- (1) The Government shall, by a notification in the Official Gazette, constitute a Governing Body for all Medical Colleges of Azad Jammu and Kashmir which shall be comprising of the following,-

- | | | |
|--------|--|------------------|
| (i) | Prime Minister | Chairman |
| (ii) | Minister Health | Vice Chairman |
| (iii) | Chief Secretary | Member |
| (iv) | Vice Chancellor University of Azad Jammu and Kashmir | Member |
| (v) | Secretary Health | Member/secretary |
| (vi) | Secretary Finance | Member |
| (vii) | Principals of Medical Colleges | Member |
| (viii) | Two members to be nominated by the Government from amongst the members of Azad Jammu and Kashmir Legislative Assembly out of whom, at least one shall be taken from opposition benches | |

- (ix) Two non-official members from amongst the following:
 - (a) Eminent retired professor of a Medical College from Azad Jammu and Kashmir, Pakistan or abroad;
 - (b) renowned retired educationist, management experts/retired civil and military officers (not below the rank of Secretary/Brigadier), distinguished philanthropists, notable jurists and financial experts from Azad Jammu and Kashmir, Pakistan or abroad:

Provided that the nomination of non-official members shall be made through a selection from a panel of at least three individuals for each vacancy which shall be duly prepared by Secretary of Governing Body for consideration and approval of the Government.

(2) The non-official members shall perform on honorary basis and shall not be entitled for any financial benefit or perks and privileges under this Act.

(3) The Government may remove any non-official member of the Governing Body before expiry of his term of office without assigning any reasons thereof.

(4) Any non-official member may, however, by notice in writing under his hand, addressed to the Government, resign from his office.

(5) No act or proceedings of the Governing Body shall be invalid merely on the ground of the existence of any vacancy or deficiency in the constitution of the Body.

6. **Powers and function of the Governing Body.**- (1) Governing Body shall govern the affairs of all Medical Colleges and issue policy/guidelines from time to time for which it has been constituted and shall subject to any rules made in this behalf, have all powers necessary for the purpose.

(2) In the exercise of its powers and performance of its functions, the Governing Body shall, in respect of policy making, coordination and maintenance of education standards, be guided by such directions as the Pakistan Medical and Dental Council (PM&DC) and other accreditation body may issued from time to time.

7. **Power to constitute Committees.**- (1) The Governing Body on advice of the concerned Principal shall, for the efficient performance of its functions under this Act, constituted with such of its members and other persons as it may appoint, the following committees, namely:-

- (a) The Executive Committee;

- (b) The Finance and Grants Committee; and
- (c) The Establishment Committee.

(2) The Governing Body shall instruct Principal to constitute and monitor the functions of following committees:

- (a) College Academic Council;
- (b) Discipline Committee;
- (c) The Hospital Management Committee;
- (d) Hostels and Campus management Committee;
- (e) The selection and recruitment Committee; and
- (f) Any other Committee.

(3) Subject to such directions as the Government may, from time to time, issue in this behalf, a Committee constituted under sub-section (1) shall perform such functions as may be prescribed by regulations or otherwise specified by the Governing Body.

(4) Subject to such decision as College Academic Council may, from time to time issue in this behalf, a Committee constituted under sub-section (2) shall perform such functions as may be prescribed by regulations or otherwise specified by College Academic Council.

(5) On issuance of this Act, existing Executive Committees shall cease to the function and concerned Principal shall cause Executive Committee to be constituted under sub-section (1).

8. **Teaching Hospitals.**- The Governing Body shall, to fulfill the teaching requirements of the College in accordance with PM&DC regulations, by a notification in Official Gazette, declare any one or more of Health Institutions as teaching hospitals of the College.
9. **Academic Council.**- Academic Council shall discharge its duties as required by PM&DC and shall be highest academic body of the institution. Principal shall be Chairman of College Academic Council which frames regulations for development and functioning.
10. **Council of Deans.**- During the course of development on attaining the status of University/Degree Awarding Institution, the Governing Body, to fulfill the administrative requirements, shall advise Principal to constitute a council of deans under his chairmanship to discharge its duties regarding administration and formulation of rules and regulations for approval of Governing Body and shall be responsible for better functioning of the institution in accordance with the Higher Education Commission (HEC) regulations.
11. **Powers of Principal.**- (1) The Principal/Dean in his capacity as head of institution shall,-

- (i) Perform the services of managing the institution with the highest standards of professional and ethical competence and integrity;
- (ii) ensure provision of healthcare facilities to the satisfaction of the public;
- (iii) utilize his capabilities to his best to ensure adequate resources building, both financial and intellectual for the efficient management of the institution;
- (iv) be responsible for the academic performance of the institution;
- (v) perform clinical and teaching audit of the staff on half yearly basis; and
- (vi) interact and negotiate with the University/College, national and international institutions in his capacity as the Dean.

(2) The Principal/Dean shall place the budget before the Governing Body and shall incur expenditure within the approved budget. He shall be responsible for the efficient and effective use of total financial resources available.

(3) He shall be responsible to upgrade the healthcare delivery service regularly, including the equipment, to a level as near as possible of international standards.

(4) The Principal/Dean shall in the initial three months, after taking over charge, produce a situational analysis report on the performance benchmark status of the institution.

(5) The Principal/Dean shall be bound to evaluate progress of the institution on the basis of the performance indicator provided to him from time to time by the Governing Body/PM&DC and shall take appropriate measures in the light of their directions.

(6) He shall organize and assist external and internal audits, both financial performances related, on annual and quarterly basis.

(7) He shall provide to the government information, comments and advice on any specific point as may be asked for.

(8) He shall perform such other functions and duties as may be assigned to him by the Governing Body/Government.

(9) The Principal/Dean may forward a complaint against any member/staff of the Medical College or hospital, to the deputy dean of the College or superintendent of the hospital for taking necessary steps for the redresses of the complaint. If the requisite action is not taken by the deputy dean or Medical Superintendent, the Principal/Dean may cause the same to be laid before the Governing Body.

- 12. Institutional private practice.**- The Governing Body shall be competent to prescribe and made applicable as well defined procedure for

institutional private practice by the approved category of employees of the Medical College.

- 13. Delegation of powers.**- The Governing Body may delegate to any officer of Medical College or a committee, any of its powers, duties or functions for carrying out the purpose of this Act.
- 14. Admission Policy in the Medical Colleges.**- All admissions in Medical Colleges or other disciplines introduced from time to time, shall be carried out strictly on merit basis as per Policy of Government and in accordance with the regulations of PM&DC. The Principal of the institution shall take measures to implement the admission policy. The Governing Body shall constitute a joint admission committee comprising of the highly professionals and officials of highest repute/notable educationist.
- 15. Budget, audit and accounts.**- (1) Except, as otherwise provided in this Section, the constitution of a Governing Body for all Medical Colleges shall not affect the position obtaining before such constitution with respect to receipt, expenditure, or any arrangement relating to the finances of a Medical College or the maintenance and audit of its accounts.
- (2) All receipts of a Medical College from any source whatsoever shall constitute the College Fund which shall be applied, subject to rules made in this behalf, by its Governing Body to meet all expenditure for the administration and management of the affairs of the Medical College and other charges connected with the performance of the functions of the Governing Body under this Act.
- (3) The annual budget of a Medical College shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed.
- (4) Tax exemption status and levies etc., shall be determined by the Governing Body.
- (5) Auditor General shall audit the accounts of the Medical Colleges annually.
- 16. Annual reports.**- (1) As soon as after the closure of every financial year but not later than the last day of September next following, Governing Body shall submit to the Government a report of the conduct of its affairs for that year.
- (2) The Government may require Governing Body to furnish it with.-
- (a) Any report, return, statement, estimate, statistics or information regarding any matter under the control of the Governing Body or on any subject with which Governing Body is concerned; or

(b) any document or copy thereof in the charge or under the control of the body.

(3) The Government shall cause a copy of the report to be laid before the Azad Jammu and Kashmir Legislative Assembly.

17. **Power to make rules.**- The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act on recommendation of the Governing Body.
18. **Power to make regulations.**- Governing Body may get approval of the Government, of regulations prepared by the Council of Deans/Colleges Academic Council to provide for any matter which is not required to be provided by rules and for which provision is necessary or expedient for efficient conduct of its business or the performance of its functions under this Act.
19. **Savings.**- Notwithstanding anything contrary contained in this Act or any other law for the time being enforce in the Azad Jammu and Kashmir, all actions taken and decisions made by the Government or executive committee duly constituted by a Government for timely establishment and launching of Medical Colleges in the Azad Jammu and Kashmir, shall be deemed to have been validly taken or made under this Act.
20. **Repeal.**- The Azad Jammu and Kashmir Medical Colleges (Governing Bodies) Ordinance, 2014 (Ordinance III of 2014) is hereby repealed.

Sd/-
(Sardar Rashid Kaleem)
Deputy Secretary Law

No.4100-4200/P&S/2014

Dated 24-04-2014

Printed and Published by Controller Govt. Printing Press
Azad Government of the State of Jammu and Kashmir.
Muzaffarabad.