

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON CABINET SECRETARIAT

ON

THE SHAHEED ZULFIQAR ALI BHUTTO MEDICAL
UNIVERSITY ISLAMABAD (AMENDMENT) BILL, 2016
MOVED BY SENATOR SARDAR MUHAMMAD AZAM
KHAN MUSAKHEL IN THE SITTING OF THE SENATE
HELD ON 21ST NOVEMBER, 2016

REPORT NO.30

PRESENTED BY

SENATOR MUHAMMAD TALHA MEHMOOD
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON CABINET SECRETARIAT ON THE BILL TITLED "THE SHAHEED ZULFIQAR ALI BHUTTO MEDICAL UNIVERSITY ISLAMABAD (AMENDMENT) BILL, 2016" MOVED BY SENATOR SARDAR MUHAMMAD AZAM KHAN MUSAKHEL IN THE SITTING OF THE SENATE HELD ON 21ST NOVEMBER, 2016

I, Chairman of the Standing Committee on Cabinet Secretariat have the honour to present report on the Bill titled "The Shaheed Zulfiqar Ali Bhutto Medical University (Amendment) Bill, 2016" moved by Senator Muhammad Azam Khan Musakhel, in the sitting of the Senate held on 21st November, 2016, the Bill was referred to the Standing Committee on Cabinet Secretariat.

2. The composition of the Standing Committee on Cabinet Secretariat is as under:-

1.	Senator Muhammad Talha Mehmood	Chairman
2.	Senator Osman Saifullah Khan	Member
3.	Senator Nawabzada Saifullah Magsi	Member
4.	Senator Kamil Ali Agha	Member
5.	Senator Hidayat Ullah	Member
6.	Senator Shahi Syed	Member
7.	Senator Haji Saifullah Khan Bangash	Member
8.	Senator Khushbakht Shujat	Member
9.	Senator Rahila Magsi	Member
10.	Senator Kalsoom Perveen	Member
11.	Senator Mir Muhammad Yousaf Badini	Member
12.	Senator Najma Hameed	Member
13.	Minister of State for Capital Administration and Development Division.	Ex-officio Member

3. The bill was taken up for consideration in the Committee meetings held on 6th, 29th December, 2016, 3rd and 24th January, 2017.

4. Senator Sardar Muhammad Azam Khan Musakhel, Mover of the Bill briefed the Committee that in normal practice, either the university is established as a new or a Medical College is upgraded to the status of 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. The Khyber Medical University was established as new. The Liaquat Medical and Health Sciences was established by upgrading the Liaquat Medical College. The public sector hospitals are attached as teaching hospitals with the University but are administered and maintained by the respective provincial health departments. He stated that in the case of Shaheed Zulfiqar Ali Bhutto Medical University, the PIMS, a tertiary level hospital was upgraded to become a University which is an anomaly. He viewed that this anomaly in the Act has caused a great resentment in the three thousand strong work force of PIMS and public at large, the entire workforce 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. He added that many sections / sub-sections / clauses of the Act of SZABMU are conflicting to the Higher Education Commission / federal university ordinance which is the guiding force behind the establishment of any new university. He added that this Bill, therefore, seeks to remove the above stated anomalies in order to bring this Act at par with the HEC Federal Universities Ordinance, 2002 and other public sector medical universities.

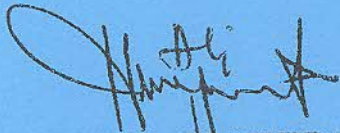
5. The Secretary, CADD, briefed the Committee that the cognizance of the matter has also taken by the Prime Minister of Pakistan, who was pleased to approve the separation of PIMS from Shaheed Zulfiqar Ali Bhutto Medical University (SZABMU) in principle. Necessary amendments in the Law are underway as per prescribed procedure through the Law Division. He further stated that as per advice of Ministry of Law & Justice a meeting of all stakeholders was held on 6th January, 2017 under the Chairmanship of the Special Assistant to the Prime Minister on Law Division. The Law Division has prepared a comparative statement of the amendments proposed in the Shaheed Zulfiqar Ali Bhutto Medical University Islamabad Act, 2013 (XV of 2013), with the request to share these with the all stakeholders for their views. The said proposed amendments in the Act have been shared with the stakeholders. Their views once received, shall be conveyed to Law Division for further necessary action. The Vice Chancellor, SZABMU and the Additional Secretary, CADD opposed the bill.

6. After discussion in detail, Members of the Committee were of the view that bill under consideration has a number of flaws and Government has drafted a bill on the same subject matter with consultation of all stake holders, in this regard ✓

Committee directed to the Secretary, Ministry of CADD to expedite the process of the Government Bill to be introduced in the House for separation of PIMS and Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad.

7. The Committee recommends that the bill titled "The Shaheed Zulfiqar Ali Bhutto Medical University (Amendment) Bill, 2016" as introduced in the Senate may not be passed by the Senate.

8. The bill as introduced in the Senate, is placed at Annexure-A.



(HYDER ALI SUNDRANI)
D.S/Secretary Committee



(Senator Muhammad Talha Mehmood)
Chairman
Senate Standing Committee on Cabinet
Secretariat

^{As}
~~[TO BE INTRODUCED IN THE SENATE]~~

A

BILL

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

WHEREAS it is expedient to amend the Shaheed Zulfiqar 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 Zulfiqar Ali Bhutto Medical University Islamabad (Amendment) Act, 2016.

(2) It shall come into force at once.

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

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

"(i) "hospital" means a hospital attached with University for clinical teaching purpose, maintained and administered by Capital Administration and Development Division / Administrative Government of Pakistan;"

(ii) after paragraph (j), the following new paragraph, shall be inserted, namely:-

"(jj) "Pro-Chancellor" means the Pro-Chancellor appointed under section 11A;"

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

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

"(5) All those public sector hospitals notified by specific orders by the Federal Government shall be the affiliated hospitals of the University for teaching purpose." and

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

4. Insertion of new section 11 A, Act XV of 2013.- In the said Act, after section 11, the following new section shall be inserted, namely:-

"11A. Pro-Chancellor.- (1) The Minister or in his absence, the Secretary, Capital Administration and Development Division / Secretary of the Administrative Ministry / Division shall be the Pro-Chancellor of the University.

(2) The Pro-Chancellor shall perform such duties and functions and exercise such powers as may be assigned or delegated to him by the Chancellor."

5. Amendment of section 12, Act XV of 2013.- In the said Act, in section 12, sub-section (1), shall be omitted and the remaining sub-sections shall be re-numbered, accordingly.

6. Amendment of section 15, Act XV of 2013.- In the said Act, in section 15, for sub-section (1), the following shall be substituted, namely:-

"(1) The Registrar shall be appointed by the Vice-Chancellor on the recommendation of the Selection Board on such terms and conditions as may be prescribed in the statutes."

7. Amendment of section 16, Act XV of 2013.- In the said Act, in section 16, for sub-section (1), the following shall be substituted, namely:-

"(1) The Controller of the Examinations shall be appointed by the Vice-Chancellor on the recommendation of the Selection Board on such terms and conditions as may be prescribed in the statutes."

8. Amendment of section 17, Act XV of 2013.- In the said Act, in section 17, for sub-section (1), the following shall be substituted, namely:-

"(1) The Treasurer shall be appointed by the Vice Chancellor on the recommendation of the Selection Board on such terms and conditions as may be prescribed in the statutes."

9. Amendment of section 19, Act XV of 2013.- In the said Act, in section 19, sub-sections (2) and (3), shall be omitted.

10. Amendment of section 21, Act XV of 2013.- In the said Act, in section 21,-

- (i) in sub-section (1), after paragraph (a), the following new paragraph shall be inserted, namely:-

“(aa) The Pro-Chancellor”

- (ii) for sub-section (6), the following shall be substituted, namely:-

“(6) The quorum of the meeting of the Senate shall be one-half of the total number of its members, a fraction being counted as one.”

11. Amendment of section 24, Act XV of 2013.- In the said Act, in section 24, for sub-section (3), the following shall be substituted, namely:-

“(3) The quorum of the meeting of the Syndicate shall be one-half of the total number of its members, a fraction being counted as one.”

12. Amendment of section 25, Act XV of 2013.- in the said Act, in section 25,-

- (i) in paragraph (w), after the semi-colon “;” occurring at the end, the word “and” shall be added; and
- (ii) paragraph (x) shall be omitted and thereafter the existing paragraph (y), shall be re-numbered as paragraph (x).

13. Amendment of section 26, Act XV of 2013.- In the said Act, in section 26, in sub-section (1) for paragraph (h), the following shall be substituted, namely:-

“(h) two senior most Associate Professors to be nominated by the Vice-Chancellor; and”

14. Amendment of section 34, Act XV of 2013.- In the said Act, in section 34, sub-sections (1) and (2), shall be omitted.

15. Amendment of section 41, Act XV of 2013.- In the said Act, for section 41, the following shall be substituted, namely:-

“41. Amendment of Schedule.- The Senate may, by notification in the official gazette, amend the schedule.”

16. Amendment of section 42, Act XV of 2013.- In the said Act, for section 42, the following shall be substituted, namely:-

"42. Removal of difficulties.- If any difficulty arises in giving effect to any provision of this Act, the Chancellor may, on the recommendation of the Vice-Chancellor through Syndicate, issue such orders or directions as may not be inconsistent therewith for removing such difficulties."

17. Amendment of Schedule, Act XV of 2013.- In the said Act, in the schedule.-

(i) in section 9,-

(a) in sub-section (1), after paragraph (f), the following new paragraphs shall be inserted, namely:-

"(g) The Secretary of the Administrative Division / Ministry or his nominee not below the rank of Additional Secretary;
and

(h) The Chairman Federal Public Service Commission or his nominee not below the status of a Member."

(b) for sub-section (3), the following shall be substituted, namely:-

"(3) The quorum of the Selection Board shall be seven out of eight members of the Board:"

(ii) in section 11, for paragraph (b), the following shall be substituted, namely:-

"(b) The Executive Director or administrator of the Hospital; and"

(iii) in section 13, in sub-section (1), for paragraph (j), the following shall be substituted, namely:-

"(j) The Executive Director or administrator of the attached hospitals;"

(iv) in section 15, in sub-section (1), for paragraph (a), the following shall be substituted, namely:-

"(a) four Professors including its Chairman to be nominated by the Vice-Chancellor; and"

STATEMENT OF OBJECTS AND REASONS

In normal practice, either the university is established as a new or a Medical College is upgraded to the status of 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. The Khyber Medical University was established as new. The Liaquat Medical and Health Sciences was established by upgrading the Liaquat Medical College. The public sector hospitals are attached as teaching hospitals with the University but are administered and maintained by the respective provincial health departments.

2. In the case of Shaheed Zulfiqar Ali Bhutto Medical University, the PIMS, a tertiary level hospital was upgraded to become a University which is an anomaly. This anomaly in the Act has caused a great resentment in the three thousand strong work force of PIMS and public at large. The entire workforce 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 public of ICT area but also to the people of the adjoining districts as well as from 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 the university will make PIMS as 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 conflicting to the Higher Education Commission / federal university ordinance which is the guiding force behind the establishment of any new university. This Bill, therefore, seeks to remove the above stated anomalies in order to bring this Act at par with the HEC Federal Universities Ordinance, 2002 and other public sector medical universities.

SENATOR SARDAR MUHAMMAD AZAM KHAN MUSAKHAIL
Member-in-Charge

SENATE SECRETARIAT

MINUTES OF THE MEETING OF THE SENATE STANDING COMMITTEE ON CABINET SECRETARIAT HELD ON 24TH JANUARY, 2017.

A meeting of the Senate Standing Committee on Cabinet Secretariat was held under the Chairmanship of Senator Muhammad Talha Mahmood, on 24th January, 2017 at 11.30 a.m. in Committee Room No.1, Parliament House, Islamabad.

2. The agenda before the Committee was as under:-

- i. Further consideration of the subject matter of the **Starred Question No.45** asked by Senator Mir Kabeer Ahmed Muhammad Shahi is as follows:-
 - a. whether it is a fact the Government has made a new policy under which the PAS and PSP officers in BPS-20 and 21 belonging to the Province of Balochistan are only eligible for posting abroad or in Federal Government or outside Balochistan only in case they have served in Balochistan for 10 years during their career; and
 - b. whether that policy is applicable to the officers belonging to other provinces, if so, the details thereof and if not, the reason thereof?
- ii. Further consideration of the subject matter of the **Starred Question No.46** asked by Senator Mir Kabeer Ahmed Muhammad Shahi is as follows:-
 - a) the names and place of present posting of the PAS and PSP officers in BPS-20 and 21 belonging to the Province of Balochistan; and
 - b) whether it is a fact that the said officers have not served in Balochistan during their whole service, if so, the reasons thereof?
- iii. Further consideration of the subject matter of the **Starred Question No.47** asked by Senator Mir Kabeer Ahmed Muhammad Shahi is as follows:-
 - a. the number of PAS and PSP officers in BPS-20 and 21 servicing in the country and abroad; and
 - b. the names of the said officers belonging to Balochistan indicating also the period for which each of them served in Balochistan?
- iv. Further consideration of subject matter of Starred Question No.103 asked by Senator Col (R) Tahir Hussain Mashhadi regarding the allocation and its utilization of funds for construction of the Chirah Dam in Islamabad, if so, the time by which work will be started and completed on the project.
- v. Further consideration of subject matter of the "point of public importance raised by Senator Farhatullah Babar regarding fate of area study centre, Islamabad" ✓

- vi. Further consideration of the subject matter of the Bill namely "The Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad (Amendment) Bill, 2016" introduced by Senator Sardar Muhammad Azam Khan Musakhel.
 - vii. Consideration of subject matter of Starred Question No.55, asked by the Senator Nauman Wazir Khattak regarding the **"number of Special Economic Zones (SEZs) established / notified in the country so far"** referred by the House to the Standing Committee on Cabinet Secretariat in its sitting held on 10th January, 2017.
 - viii. Ratification of nomination of Senators as members of the Senate of the Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad in respect of the following two Senators:-
 - a) Senator Aitzaz Ahsan
 - b) Senator Osman Saifullah Khan
 - ix. Ratification of nomination as members of the syndicate of the Shaheed Zulfiqar Ali Bhutto Medical University, Islamabad in respect of the following two Senators:-
 - a) Senator Mushahid Hussain Syed
 - b) Senator Najma Hameed
 - x. Any other item with the permission of the Chair.
3. The following Members of the Committee and Movers attended the meeting:-
- | | | |
|-------|--|----------|
| i. | Senator Muhammad Talha Mahmood | Chairman |
| ii. | Senator Hidayat Ullah | Member |
| iii. | Senator Mir Muhammad Yousaf Badini | Member |
| iv. | Senator Najma Hameed | Member |
| v. | Senator Kalsoom Perveen | Member |
| vi. | Senator Haji Saif Ullah Khan Bangash | Member |
| vii. | Senator Mir Kabeer Ahmed Muhammad Shahi | Mover |
| viii. | Senator Farhatullah Babar | Mover |
| ix. | Senator Sardar Muhammad Azam Khan Musakhel | Mover |
| x. | Senator Nauman Wazir Khattak | Mover |
4. A list of participants of the meeting is enclosed as Annexure-A.
5. Meeting commenced with the recitation from the Holy Quran. The Chairman Committee welcomed all participants of meeting.

Item No.1, 2 & 3

6. The Additional Secretary, Establishment division briefed the Committee that the Rotation Policy is not confined to Balochistan. Same analogy has been adopted for posting officers to Gilgit – Baltistan. Moreover, the officers of other Provinces are also posted to Balochistan in terms of Rotation Policy, dated 28-08-2012 on their own turn. He further added that as a matter of policy all PSP and PAS Officers are posted to their home provinces at some point in their service. Normally PSP/PAS Officers prefer to serve their home provinces. It is misconception that PAS/PAS Officers hailing from Balochistan feel deprived or inferior for the reason that their tenure at home province has been prescribed as mandatory in different scales. It is also not a fact that such a policy hinders their promotion prospects or their posting abroad on competitive basis, Balochistan domiciled officers are appointed in PAS/PSP on seats reserved for that Province, hence, they feel honored and duty bound to serve their Province.

7. After discussion in detail Committee decided that either rotation policy for PAS/PSP Officers dated 8th December, 2015 may be imposed in all provinces or withdrawn from the Balochistan province by Establishment Division, hence the agenda item Nos. 1,2 & 3 were disposed off.

Item No.4.

8. Mr. Naseer A. Gillani, Chief (Water), Planning & Development Division, briefed the Committee that the said project is on the basis of 50 percent between Federal Government and Punjab Government for providing water to Islamabad and Rawalpindi cities. The Chief Engineer, Irrigation Department, Government of Punjab briefed that Rs.700 million has been deposited by the Federal Government and Rs.166 million by Government of the Punjab, the said amount is lying in government treasury/Land Acquisition Officer, Islamabad. In 2009 the cost of project was Rs.5 billion, two years back its cost was Rs.17 billion but till now land could not be acquired. The Additional Secretary, CADD, proposed that in government departments joint venture system is not successful. After detail discussion and deliberation the Committee recommended that the project has failed, therefore, the Chief Secretary, Government of Punjab, may held inquiry in the matter and take necessary action against the responsible persons, however, this project is not feasible at this stage, therefore, joint venture between Government of Punjab and Federal Government may be terminated and the respective amount may be returned to respective Governments

and CDA make a comprehensive water plan for next 50 years. The agenda item was disposed off.

Item No.5

9. The Vice Chancellor, Quaid-e-Azam University, briefed the Committee that the Government of Pakistan is representing by the Federal Secretary, Ministry of Education and Professional Training, Islamabad and the Higher Education Commission member is the Director General (Academics). Their permission was sought for enhancement of the academic profile including filling of the vacant academic positions at the Centre. They graciously permitted the Director who immediately initiated the process of filling the vacant positions including Director of the Centre in the selection process. It is expected that the whole process will be completed in the present financial year. Once the whole process is complete, the reservations / concerns of the Honourable Senator will be addressed / removed and the Centre will play its positive role in producing research scholars and giving positive feed back to the relevant quarters thus helping the Government of Pakistan in formulating its policies. Senator Farhatullah Babar agreed with the statement given by Vice Chancellor, Quaid-e-Azam University. After discussion in detail, the Committee directed the Vice Chancellor, Quaid-e-Azam University, that the process of appointment of all concerned staff may be expedited, hence, the agenda item was disposed off.

Item No.6

10. The Secretary, CADD, briefed the Committee that the cognizance of the matter also taken by the Prime Minister of Pakistan, who was pleased to approve the separation of PIMS from Shaheed Zulfiqar Ali Bhutto Medical University (SZABMU) in principle. Necessary amendments in the Law are underway as per prescribed procedure through the Law Division. He further stated that as per advice of Ministry of Law & Justice a meeting of all stakeholders was held on 6th January, 2017 under the Chairmanship of the Special Assistant to the Prime Minister on Law Division. The Law Division has prepared a comparative statement of the amendments proposed in the Shaheed Zulfiqar Ali Bhutto Medical University Islamabad Act, 2013 (XV of 2013), with the request to share these with the all stakeholders for their views. The said proposed amendments in the Act have been shared with the stakeholders. Their views once received, shall be conveyed to Law Division for further necessary

action. The Vice Chancellor, SZABMU and the Additional Secretary, CADD opposed the bill. After discussion in detail, Members of the Committee unanimously recommended that the Senate may not pass the Bill, however, Committee directed to the Ministry of CADD to expedite the process of the Government Bill to be introduced in the House. Hence the agenda item was disposed off.

Item No.7

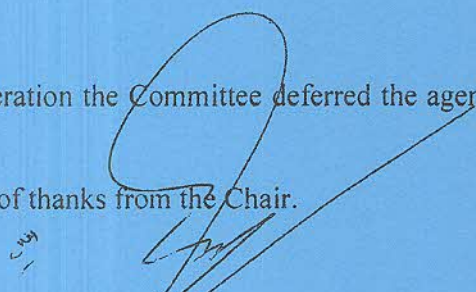
11. The Secretary, Board of Investment (BOI), briefed the Committee and stated that seven (07) Special Economic Zones have so far been established in the Country. Provision of facilities of natural gas and electricity does not relate to Board of Investment. However, as per information furnished by Ministry of Petroleum and Natural Resources, gas has been provided to Korangi Creek Industrial Park, Sindh. Ministry of Water and Water has provided the electricity at Khairpur Special Economic Zone, M-3 Industrial City and Value Added City, Faisalabad. He added that further a comprehensive policy to be formulated. Senator Nauman Wazir Khattak, Mover of the question stated that BOI is a notifying authority, however, BOI should directed all concerned authorities i.e. Ministry of Petroleum & Natural Resources, WAPDA and other related ministries / divisions for further construction / development of SEZs in the country, otherwise the SEZs will be failed. He further stated that investors from Pakistan tax exemption have been given for 10 year, however, investors from China tax exemption have been given for 40 years. He was of the view that it is a clear discrimination between our country and the China. After detailed discussion and deliberation, it was decided that in next meeting of the Committee Chairman FBR, Chairman WAPDA, Secretary Cabinet Division, Secretary Petroleum & Natural Resources and all Chief Secretaries of the Provinces may be invited to further discuss the issue. The agenda item was deferred.

Item No. 8 & 9

12. After detailed discussion and deliberation the Committee deferred the agenda items.

13. The meeting was ended with a vote of thanks from the Chair.


(HYDER ALI SUNDRANI)
D.S/Secretary Committee


(Senator Muhammad Talha Mahmood)
Chairman
Standing Committee on Cabinet Secretariat

LIST OF PARTICIPANTS**MEETING OF THE STANDING COMMITTEE ON CABINET
SECRETARIAT HELD ON 24TH JANUARY, 2017**

Sr.No.	Name & Designation	Ministry/Division/Department
1.	Mr. Maroof Afzal, Additional Secretary	Establishment Division
2.	Mr. Jawad Paul, Joint Secretary	Establishment Division
3.	Mr. Zafar Nasrullah, Additional Secretary	CADD
4.	Mr. Shah Jahan Shah, Additional Secretary	Board of Investment
5.	Sheikh Anser Aziz, Chairman / Mayor	Capital Development Authority / MCI
6.	Mr. Asad Mahmood Kiani, member(Engineering),	Capital Development Authority
7.	Mr. Javed Ashraf	Quaid-e-Azam University
8.	Mr. Amjad Chaudhary	Shaheed Zulfiqar Ali Bhutto Medical University
9.	Mr. Chand Ashraf, Additional Draftsman	Ministry of Law & Justice
10.	Mr. Tahir Anjum Qureshi, Chief Engineer	Irrigation Department, Govt. of the Punjab, Lahore
11.	Mr. Muhammad Azeem, XEN Small Dams	Irrigation Department, Govt. of the Punjab, Lahore
12.	Mr. M. Khalid Nawaz, Director (W&S) (Dev)	CDA/MCI
13.	Mr. Javed Farooq Dogar, Assistant Director	CDA/W&S
14.	Prof. Javed Akram, Vice Chancellor	Shaheed Zulfiqar Ali Bhutto Medical University.
15.	Mr. Naseer A. Gillani, Chief (Water)	Planning Commission
16.	Mr. Azher Ali Chaudhary, Secretary	Board of Investment