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THE PUNJAB HEALTH FOUNDATION ACT, 1992

(XI of 1992)

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TEXT

¹THE PUNJAB HEALTH FOUNDATION ACT, 1992

(XI of 1992)

[10th November, 1992]

**An
Act**

to provide for the establishment of the Punjab Health Foundation.

Preamble.— Whereas it is expedient to provide for the establishment of the Punjab Health Foundation to promote and finance the development of the health sector in the Province of the Punjab and matters incidental and supplemental thereto.

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Punjab Health Foundation Act, 1992.

(2) It extends to the whole of the Province of the Punjab.

(3) It shall come into force at once.

2. Establishment of the Foundation.— (1) The Government may, by notification, establish a Foundation to be known as the “Punjab Health Foundation”.

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

(3) The Head Office of the Foundation shall be at Lahore.

3. Board of Directors.— (1) There shall be a Board of Directors of the Foundation consisting of such number of official and non-official members ²[with at least thirty three percent female members from amongst the non-official members], including the Chairman, as may be appointed by the Government.

(2) A Director other than an ex-officio Director shall hold office for a period of three years but he may be reappointed as such for a period not exceeding two years at a time.

(3) The Government may remove a Director on the ground of inefficiency, unsuitability or misconduct after giving him an opportunity of being heard.

³[(4) Notwithstanding anything contained in sub-sections (2) and (3), the Government may, at any time, reconstitute the Board of Directors.]

¹This Act was passed by the Punjab Assembly on 29th October, 1992; assented to by the Governor of the Punjab on 4th November, 1992; and, was published in the Punjab Gazette (Extraordinary), dated 10th November, 1992, Pages 3083-E to 3083-H.

²Inserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014), w.e.f. 12.3.2014, s.2 and the Schedule; and published in the Punjab Gazette (Extraordinary), pages 2733-2744.

³Added by the Punjab Health Foundation (Amendment) Act, 1995 (III of 1995), w.e.f.13.2.1995, s.2; and published in the Punjab Gazette (Extraordinary), pages.

4. Management.— (1) The Administration and Management of the Foundation and its affairs shall vest in the Board of Directors which may exercise the powers exercisable, and do all acts and things that may be done by the Foundation.

(2) The affairs of the Foundation shall be conducted subject to the supervision and control of the Government.

5. Managing Director.— (1) The Government shall appoint a Managing Director of the Foundation whose qualifications and terms and conditions of service shall be such as may be determined by the Government.

(2) Subject to sub-section (3), the term of office of the Managing Director shall be three years but the Government may extend the same for a period not exceeding one year at a time.

(3) No person shall hold office of the Managing Director for a total period of more than five years.

(4) The Government may remove the Managing Director on the ground of inefficiency, unsuitability or misconduct after giving him an opportunity of being heard.

(5) The Managing Director shall be the Chief Executive of the Foundation and shall perform such functions as may be prescribed or assigned to him by the Board.

6. Committees.— The Board may constitute such financial, technical and advisory Committees as may be deemed necessary for carrying out the purposes of this Act.

7. Appointment of Officers etc.— The Foundation may employ such officers, advisers, consultants and employees in its service as may be necessary for the efficient performance of its functions in such manner and on such terms and conditions as may be prescribed.

8. Delegation of powers.— The Board may delegate to any officer, authority or employee of the Foundation any of its powers, duties or functions.

9. Business of the Board.— (1) The meetings and the business of the Board shall be conducted in such manner and according to such procedure as may be prescribed and until these matters are prescribed, as may be determined by the Board.

(2) No act or proceedings of the Board shall be invalid on the ground of the existence of any vacancy in or any defect in the constitution of the Board.

10. Functions of the Foundation.— (1) The Foundation shall take all measures which it deems necessary for the promotion, development and financing of health services in the private sector.

(2) Without prejudice to the generality of the functions mentioned in sub-section (1), the Foundation may—

- (a) establish or cause to be established health institutions and allied projects;

- (b) give grants to health institutions operating on non-commercial basis for the purchase of land, construction of buildings, purchase of equipment, furniture and for other allied projects;
- (c) give loans to health institutions;
- (d) provide loans to doctors for opening clinics;
- (e) assist health institutions and doctors in getting loans from scheduled banks and financial institutions;
- (f) lease or sell plots or assist in getting plots and land from Government, Development Authorities and Housing Agencies controlled by the Government;
- (g) assist the private sector for providing necessary facilities for population welfare programme;
- (h) with the approval of the Government raise loans and receive grants; and
- (i) perform such other functions as may be assigned to it by the Government.

11. Foundation Fund.— (1) There shall be a fund to be known as the “Health Foundation Fund” which shall vest in the Foundation and to which shall be credited:—

- (a) grants made by the Government and the Federal Government and Local Bodies;
- (b) income from investments made by the Foundation;
- (c) donations and endowments;
- (d) revolving funds placed by the Government at the disposal of the Foundation; and
- (e) all other sums received by the Foundation and incomes from other sources.

(2) The fund shall be kept in such custody and shall be utilised and regulated in such manner as may be prescribed.

(3) The Foundation may invest money in Government Saving Schemes, fixed deposits with banks approved by the Government or in such other manner as may be prescribed.

12. Budget.— The budget of the Foundation shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed.

13. Immunity of the Foundation and its employees.— (1) Every Director, Adviser, Officer and employee of the Foundation shall be indemnified by the Foundation against all losses and expenses sustained or incurred by him in the discharge of his duties, save such losses and expenses as are sustained and incurred as a result of his own wilful act or default.

(2) The Managing Director shall not be personally responsible for the acts of any other Director, Adviser, Officer or employee of the Foundation which he could not have reasonably prevented by the due exercise of his powers and functions

under this Act and the rules and regulations made thereunder or for any loss or expense resulting to the Foundation by reason of the insufficiency or deficiency in value of, or title to any property or security acquired or taken on behalf of the Foundation by the wrongful act of any person under a liability to the Foundation or anything done by him in good faith in execution of the duties of his office.

14. Rules.— The Government may, by notification, make rules for carrying out the purposes of this Act.

15. Regulations.— Subject to this Act and rules framed thereunder, the Board may, with the previous approval of the Government, make regulations for all matters not provided for in the rules for which provision is necessary for carrying out the purposes of this Act and the rules.

16. Repeal.— The Punjab Health Foundation Ordinance, 1992 (XXXV of 1992) is hereby repealed.