

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to amend the Pakistan Health Research Council Act, 2016

WHEREAS it is expedient to amend the Pakistan Health Research Council Act, 2016 (Act No. XII of 2016), for the purposes hereinafter appearing:

It is hereby enacted as follows:—

1. Short title and commencement: — (1) This Act shall be called the Pakistan Health Research Council (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of Section 2, Act XII of 2016. — In the Pakistan Health Research Council Act, 2016 (XII of 2016), hereinafter referred to as the said Act, in section 2, clauses (f), (g), (h), (k), and (s) shall be omitted.

3. Amendment of section 4, Act XII of 2016.—In the said Act, in section 4, in sub-section (1),-

- (a) in clause (c), the words “including training of manpower” shall be omitted;
- (b) in clause (d), for the words “organize and facilitate utilization of” the words “disseminate the” shall be substituted;
- (c) in clause (f), after the words “support of research” the expression “including publication of research” shall be inserted; and
- (d) clauses (g) and (i) shall be omitted.

4. Amendment of section 5, Act XII of 2016.—In the said Act, for section 5, the following shall be substituted, namely:—

“5. Board.— (1) The overall control and superintendence of the affairs of the Council shall vest in a Board, consisting of not less than five members and not exceeding seven members.

(2) The members shall be appointed by the Prime Minister on the recommendation of a nominating committee consisting of—

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| (a) | Minister-in-charge | <i>Chairman</i> |
| (b) | Dean Research of the Aga Khan University, Karachi | <i>Member</i> |
| (c) | Chief Medical Officer of the Shaukat Khanum Hospital, Lahore; | <i>Member</i> |
| (d) | Vice Chancellor of the Khyber Medical University | <i>Member</i> |
| (e) | Principal of the Bolan University | <i>Member</i> |

(3) Nominations to the Board shall be based on the individual's national and international research reputation, who are currently employed by reputable institutions, are involved in research and have a minimum of twenty-five research publications in reputable journals with citation indices greater than 1.0. Experience in research administration, for example as head of a research department or institution or as a research mentor, for example as a supervisor of researchers shall be preferred.

(4) There shall be a Chairman and Vice Chairman of the Board who shall be elected by the Board members at their first meeting.

(5) Board members shall, unless otherwise directed by the Prime Minister, hold office for a period of five years and be eligible for re-appointment. Membership of the Board shall cease and fall vacant if a Board's member resigns or fails to attend three consecutive meetings without sufficient cause or for any other reasons which incapacitates him to function as a member. Any such vacancy shall be filled in within one month.

(6) No person shall be appointed or remain as a member of the Board, if he—

- (a) is declared by a competent court of law to be of an unsound mind;
- (b) has applied before by a competent court of law to be adjudged as an insolvent and his application is pending;
- (c) is declared by a competent court of law to be 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 public office under provisions of law; or
- (f) has a conflict of interest with such a position.

(7) The nominating committee may recommend removal from the membership of any member of the Board at any time if the member is disruptive or violates the rules of the Council.”.

5. Amendment of section 6, Act XII of 2016.—In the said Act, for section 6, the following shall be substituted, namely:—

“6. Functions of the Board.— (1) The functions of the Board shall be—

- (a) to formulate policy on health research;
- (b) subject to other provisions of this Act, to appoint necessary officers and employees in a manner and on such terms and conditions as may be prescribed;
- (c) to ensure a transparent, fair and equitable process for evaluating research grant applications and prioritizing the same for grant distribution;
- (d) to ensure that ethical standards are met in all research projects considered for funding, according to the Helsinki principles for human research;
- (e) to ensure a rational merit-based grant distribution system;
- (f) to approve the annual budget;
- (g) to ensure the scientific validity and maintain the highest standards for any publications issued by the Council, including but not limited to the Pakistan journal of medical research; and
- (h) to undertake regular review and evaluation of the research projects and programs funded by the Council to ensure that ethical and scientific principles are not violated and these projects and

programs are proceeding according to their objectives.

(2) In the discharge of its functions, the Board shall be guided on questions of policy by the instructions, if any, given to it from time to time by the Federal Government.”.

6. Amendment of section 7, Act No. XII of 2016.—In the said Act, in section 7,—

(a) in sub-section (1),—

(i) for the word “two”, the word “four” shall be substituted; and

(ii) for the expression “Minister of State or Advisor of the administrative ministry or in their absence the Secretary of the administrative ministry”, the words “Vice Chairman” shall be substituted;

(b) in sub-section (2), for the word “One”, the word “Two” shall be substituted; and

(c) after sub-section (2), amended as aforesaid, the following new sub-section (3) shall be added, namely:—

“(3) The Secretary of the Board shall be a full time employee of the Board, who shall perform all secretarial and office functions of the Board at the direction of the Chairman and shall be responsible for taking minutes at the Board’s meetings, convening Board’s meetings, sending out letters to Board’s members as per direction of the Board’s Chairman.”.

7. Amendment of section 9, Act XII of 2016.— In the said Act, for section 9, the following shall be substituted, namely:—

“9. Office of the Council— (1) The Office of the Council shall principally consist of—

- (a) Chief Operating Officer;
- (b) Finance Director;
- (c) Director Research Grants; and
- (d) Director Research Grant Applications.

(2) The Chief Operating Officer shall be appointed by the Board for a period of three years on the recommendation of a recruitment committee, on such terms and conditions as the Board

may determine provided that no Board member shall be appointed as Chief Operating Officer.

(3) No person shall be appointed as Chief Operating Officer, unless he possesses a recognized post-graduate degree in business management or public administration or any other relevant management qualifications having experience of management in an organization or institution, provided that an additional post-graduate degree in the biological sciences shall be preferred.

(4) The Chief Operating Officer may be removed from office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

(5) The appointment of the Chief Operating Officer may be renewed as deemed fit by the Board, based on performance.

(6) The Chief Operating Officer shall attend all or part of each Board's meeting as required by the Board to update the Board on the Council activities and functions and any other matters as required by the Board.

(7) The Chief Operating Officer shall be responsible to the Board for all administrative functions of the Council and shall be responsible for-

- (a) implementation and execution of Board policies and to achieve the targets set by the Board;
- (b) timely announcements of grant application dates and any other announcements required by the Board;
- (c) ensuring proper receipt and documentation of all grant applications;
- (d) ensuring that grant application recommendations from the study sections are appropriately dealt with as may be prescribed;
- (e) the annual evaluations of all the staff;
and
- (f) undertaking any other responsibilities prescribed by the Board.

(8) A Finance Director shall be appointed for a term of three years and shall be eligible for re-appointment at the discretion of the Board.

(9) The Board shall appoint a selection committee including persons with experience in financial matters, to recommend suitable persons for appointment of one of them as a Finance Director to head the finance department of the Council.

(10) No person shall be appointed as Finance Director unless he is a chartered accountant or a cost and management accountant or have a master's degree in finance or accounts, and who shall have ten years post qualification experience in finance or accounts in a major private or public company or institution.

(11) Appointment of Finance Director shall be by a transparent process of public advertisement and evaluation as may be prescribed.

(12) The following shall be the functions and duties of the Finance Director, namely: —

- (a) to coordinate and supervise all financial accounting matters of the Council;
- (b) to prepare the detailed draft regulations and procedures for the financial management of the Council for approval by the Chief Operating Officer and the Board;
- (c) to advise the Chief Operating Officer and the Board on all financial matters, ensuring transparency and fiscal probity;
- (d) to ensure that all the accounts are kept according to the applicable rules and regulations;
- (e) to assist in the development of the annual budget, ensuring that the financial projections and financial accounts are accurate;
- (f) to prepare an annual financial report for approval by the Chief Operating Officer and presentation to the Board; and
- (g) to ensure facilitation of any external audit of the accounts instituted by the Board or Government and implement the recommendations of the audit;

(13) Any differences arising on financial issues between the Finance Director and the Chief Operating Officer shall be placed before the Board for final decision.

(14) A Director Research Grants shall be appointed in prescribed manner for a term of five years and shall be eligible for re-appointment at the discretion of the Board.

(15) The Board shall appoint a selection committee including persons with experience in financial and administrative matters, to recommended suitable persons for appointment of one of them as Director Research Grants.

(16) No person shall be appointed as Director Research Grants unless he possesses a master's degree in administration and an additional qualification in biology or medicine and have seven years post qualification experience in medical or biological research or administration in a reputable major private or public institution.

(17) Appointment of Director Research Grants shall be by a transparent process of public advertisement and evaluation as may be prescribed.

(18) The Director Research Grants shall report to the Chief Operating Officer.

(19) The following shall be functions and duties of Director Research Grants, namely: —

- (a) to oversee all research grants, to ensure proper utilization of grants according to the terms and conditions of the grant and to ensure that ethical standards are maintained for the research project;
- (b) to ensure that annual reports are provided by the principal investigator for each research grant and present the same to the Board; and
- (c) to undertake any other duties prescribed by the Board.

(20) The Board may appoint Research Grants Coordinators, as the Board may prescribe, who shall report to the Director Research Grants to assist him in his duties as may be prescribed by the Board.

(21) A Director Research Grants Applications shall be appointed in the prescribed manner for a term of five years and shall be eligible for re-appointment at the discretion of the Board.

(22) The Board shall appoint a selection committee including persons with experience in biological or medical research, to recommend suitable persons for appointment of one of them as Director Research Grants Applications.

(23) No person shall be appointed as Director Research Grants Applications unless he possesses a postgraduate degree in medicine or a Ph.D. degree in basic biological sciences and have seven years post qualification experience in medical or biological research in a reputable major private or public institution.

(24) Appointment of Director Research Grants Applications shall be by a transparent process of public advertisement and evaluation as may be prescribed.

(25) The Director Research Grants Applications shall report to the Board.

(26) The following shall be the functions and duties of the Director Research Grants Applications, namely: —

- (a) to ensure timely advertisement of research grant availability, as may be prescribed by the Board;
- (b) to accurately log and register receipt of research grant applications and inform the applicant of the same;
- (c) to review each research grant application for completeness and proper format;
- (d) to identify the appropriate study section relevant to each individual grant application;
- (e) to notify each study section, sufficiently in advance of the study section meeting, of all grant applications to be reviewed by them;
- (f) to ensure absence of conflict of interest or bias regarding each grant application *vis-a-vis* study section members;

- (g) to collate the scores received by each grant application, for review by the study section;
- (h) to arrange and provide support for the study section meeting and advise the study section of rules and administrative matters related to the research applications;
- (i) to collate all scores from the study section at the end of the study section meeting and grade them in order of merit and present them to the Board for final approval;
- (j) to inform all grant applicants of the outcomes and critiques of their grant applications; and
- (k) to perform any other functions as may be prescribed by the Board.

(27) The Director Research Grant Applications shall be assisted by Research Grant Applications Coordinators having such qualifications for appointment and shall be in such numbers as may be prescribed by the Board.

(28) The Board may appoint in prescribed manner ancillary staff to perform the functions and achieve objectives of the Council.”.

8. Substitution of section 10, Act XII of 2016.— In the said Act, for section 10, the following shall be substituted, namely:—

“10. Study sections.— (1) The Board shall establish study sections as needed to review and advise on research grant applications.

(2) Each study section shall consist of not less than eleven and exceeding twenty-one members to be appointed in prescribed manner for a term of three years, renewable for one more term.

(3) Initially there may be one study section, but later, as determined by the Board, different study sections may be established with expertise to cover broad fields of medical research, e.g. normal and abnormal function in heart and lung, gastroenterology, renal, infectious diseases, etc.

(4) No person shall be appointed as member study section unless he is a recognized expert in the fields of medicine or basic biological sciences, preferably with an international reputation and a significant number of research publications in reputable journals as the Board may determine.

(5) Ad hoc reviewers may be appointed in study sections to review grant applications where there is insufficient expertise amongst the study section members.

(6) The Director Research Grant Applications shall identify two or three experts from a study section relevant to each grant application who shall be the primary and secondary reviewers for that application.

(7) Grant applications shall be reviewed in prescribed manner.

(8) At the study section meeting, for each of which a chairman shall be appointed by the Director Research Grant Applications, each grant application shall be presented and reviewed by the primary and secondary reviewers and discussed by the study section members. The grant application shall then be graded individually by each study section member and the grading noted by the Director or assigned Coordinator.

(9) Study section members shall receive reimbursement for travel and board to attend the study section meeting and an honorarium to be determined by the Board.”.

9. **Omission of sections 11, 12, 13, 14 and 15, Act XII of 2016.**— In the said Act, sections 11, 12, 13, 14 and 15 shall be omitted.

10. **Amendment of section 16, Act XII of 2016.**— In the said Act, in section 16,—

(a) in sub-section (2),—

(i) in clause (c), for the expression “training, institutional consultancies” the words “grant application fees” shall be substituted and the word “and” at the end shall be omitted; and

- (ii) in clause (d), for full stop at the end a semicolon and the word "and" shall be substituted and thereafter the following new clause (e) shall be added, namely:—

“(e) the Council may invest its surplus funds in any security approved by the Federal Government.”;
and

- (b) after sub-section 2, amended as aforesaid, the following new sub-section (3) shall be added, namely:—

“(3) The Council shall make regulations for the administration, payment procedure, financial powers and investment of the fund. These regulations shall require approval of the Finance Division after approval by the Controller-General of Accounts.”.

11. Omission of section 17, Act XII of 2016.—In the said Act, section 17 shall be omitted.

12. Amendment of section 18, Act XII of 2016.—In the said Act, in section 18, in sub-section (3), after the words “National Bank of Pakistan”, the expression “or any other scheduled bank approved by the Finance Division” shall be inserted.

STATEMENTS OF OBJECTS AND REASONS

Pakistan Medical Research Council under the administrative control of Ministry of National Health Services, Regulations & Coordination, Islamabad has been renamed through Pakistan Health Research Council (PHRC) Act, 2016 by providing administrative and financial autonomy for its efficient functioning.

In order to improve further the working of PHRC and bring at par with the international best practices, certain amendments in the existing Act are crucial to meet the future challenges and bring forth better performance in public interest.

In the above context, a Bill to be called PHRC (Amendment) Act, 2019 has been ratified by the Federal Cabinet on 30th December, 2019 after vetting from Law and Justice Division and approval of CCLC.

Muhammad Azam Khan Sawati
Minister for Parliamentary Affairs