

**THE ¹[KHYBER PAKHTUNKHWA]
(MEDICAL RELIEF) ENDOWMENT FUND ACT, 2004.**

(²[KHYBER PAKHTUNKHWA] ACT NO. IV OF 2004)

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¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

**THE ¹[KHYBER PAKHTUNKHWA]
(MEDICAL RELIEF) ENDOWMENT FUND ACT, 2004.**

(²[KHYBER PAKHTUNKHWA] ACT NO. IV OF 2004)

*[First published after having received the assent of the Governor of the
³[Khyber Pakhtunkhwa] in the Gazette of the ⁴[Khyber Pakhtunkhwa]
(Extraordinary), dated the 26th April, 2004].*

**AN
ACT**

*to provide for the establishment of Endowment Fund
in the ⁵[Khyber Pakhtunkhwa].*

WHEREAS it is expedient to provide for the establishment of Endowment Fund in the ⁶[Khyber Pakhtunkhwa], for providing medical relief and treatment to poor;
It is hereby enacted as follows:-

1. Short title, extent and commencement.---(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] (Medical Relief) Endowment Fund Act, 2004.

(2) It extends to whole of the ⁸[Province of the Khyber Pakhtunkhwa].

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires,-

(a) “Bank” means the financial institution in whose custody the proceeds of the Fund are kept and invested;

(b) “Committee” means the Committee established under section 7;

(c) “Fund” means the ⁹[Khyber Pakhtunkhwa] Endowment Fund established under section 3;

(d) “Government” means the Government of the ¹⁰[Khyber Pakhtunkhwa];

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³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

- (e) “medical relief” means medical treatment extended free of cost to poor in accordance with the provisions of this Act and the rules made thereunder;
- (f) “poor” means a Mustahiq-e-Zakat and other needy people who cannot afford the expenditures relating to diseases covered under the scheme and identified as such by the referring institutions (hospitals);
- (g) “prescribed” means prescribed by rules made under this Act; and
- (h) “rules” means rules made under this Act.

3. Establishment of Endowment Fund.---(1) As soon as may be, after the commencement of this Act, Government shall established a Fund to be known as the ¹[Khyber Pakhtunkhwa] (Medical Relief) Endowment Fund.

(2) The Fund shall be established with an initial capital of rupees five hundred million and may, from time to time, be credited with-

- (a) Government grants;
- (b) donations by philanthropists; and
- (c) income from any other source.

(3) The profit from the Fund will be used for payment of expenses arising out of treatment of poor patients for the diseases specified in section 5 or notified thereunder.

4. Maintenance of Fund.---The Fund shall be kept and maintained through such Bank and invested upon in such manner as may be determined by the Committee.

5. Diseases covered under the Fund.---The profits accruing on the Fund will be utilised for providing medical relief to poor suffering from or requiring Open Heart Surgery, Angioplasty, placement of Pace Maker, Cancer, Advance Renal Failure, Dialysis, Hepatitis-C, and other serious diseases including Thalassemia and burn injuries, etc., as may be notified by the Committee.

6. Control and management of Fund.---The Fund shall be under control of, and operated upon by, the Committee.

7. Establishment of Committee.---(1) There shall be a Committee to carry out the purposes of the Act.

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

(2) The Committee shall consist of a Chairman and such members, as specified in section 8.

(3) Government may, as and when it feels desirable, replace a member or members by a notification in the Official Gazette.

(4) The Committee shall meet at such place and date as the Chairman may specify.

(5) The Committee shall evolve its own procedure for the conduct of its business under this Act.

(6) No remuneration shall be admissible to the Chairman, any member or the Secretary of the Committee.

8. Composition of the Committee.---(1) The Committee referred to in section 7 shall consist of the following:

- | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| (a) | Minister Health and Population Welfare,
¹ [Khyber Pakhtunkhwa]; | Chairman. |
| (b) | one member each for the Opposition and Treasury Benches of the Provincial Assembly of the ² [Khyber Pakhtunkhwa] to be nominated by the Speaker Provincial Assembly of ³ [Khyber Pakhtunkhwa]; | Members. |
| (c) | Secretary to Government, Health Department or his nominee not below the rank of an Additional Secretary; | Member. |
| (d) | Secretary to Government, Finance Department or his nominee not below the rank of an Additional Secretary; | Member. |
| (e) | Secretary to Government, Zakat, Ushr and Social Welfare Department or his nominee not below the rank of an Additional Secretary; | Member. |
| (f) | two Social Workers/Philanthropists to be | Members. |

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nominated by the Chairman;

- (g) a representative of each of the following hospitals to be nominated by the Chairman: Members.
- (i) Lady Reading Hospital, Peshawar;
 - (ii) Khyber Teaching Hospital, Peshawar;
 - (iii) Hayatabad Medical Complex, Peshawar;
 - (iv) Institute of Radiotherapy and Nuclear Medicine, Peshawar;
 - (v) District Headquarter Hospital, Dera Ismail Khan;
 - (vi) Saidu Group of Hospital, Swat;
 - (vii) Ayub Teaching Hospital, Abbottabad.
 - (viii) Mardan Medical Complex.
- (h) Director General Health Services, Member-cum
¹[Khyber Pakhtunkhwa]; Secretary.

(2) The Chief Minister shall be the Patron-in-Chief of the Committee.

9. Audit and Accounts.---(1) The Bank shall be responsible to maintain the accounts of the Fund in such form and manner as may be prescribed.

(2) No amount from the Fund shall be withdrawn, unless it is approved by the Committee.

(3) Withdrawal of amount from the Fund shall be permissible only under the joint signatures of the Chairman and the Secretary to Government, Finance Department.

(4) Accounts of the Fund shall be audited in the prescribed manner.

(5) In case of emergency, the Chairman of the Committee may make payment of emergent nature.

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

10. Power to make rules.---Government may make rules for carrying out the purposes of this Act.

11. Availability of facility for medical treatment.---The facilities of medical treatment under this Act shall be available in the following hospitals and institutions and such other hospitals and institutions as Government may, from time to time, by notification in the official Gazette, specify:

- (i) Lady Reading Hospital, Peshawar;
- (ii) Khyber Teaching Hospital, Peshawar;
- (iii) Hayatabad Medical Complex, Peshawar;
- (iv) Ayub Teaching Hospital, Abbotabad;
- (v) Saidu Group of Hospital, Swat;
- (vi) Institute of Radiotherapy and Nuclear Medicine Peshawar;
- (vii) District Headquarter Hospital, Dera Ismail Khan; and
- (viii) Mardan Medical Complex.