

**THE BALOCHISTAN HOSPITAL WASTE MANAGEMENT COUNCIL
ORDINANCE, 2001**

(Baln. Ordinance II of 2001)

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**'THE BALOCHISTAN HOSPITAL WASTE MANAGEMENT COUNCIL
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(Balochistan Ordinance II of 2001)

[13th February, 2001]

An Ordinance to provide for safe disposal of waste generated by Hospitals in the Province of Balochistan.

Preamble.

WHEREAS, it is expedient to provide for the safe disposal of bio-hazardous waste generated by Hospitals, and the other establishments in the Province of Balochistan, and matters connected therewith or ancillary thereto, in the Province of Balochistan, in the manner hereinafter appearing;

AND WHEREAS the Provincial Assembly of Balochistan stands suspended in pursuance of Proclamation of Emergency of the fourteenth day of October, 1999, and the Governor of Balochistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in pursuance of Article 4 of the Provisional Constitution (Amendment) Order, 1999 (Chief Executive's Order No. 9 of 1999), and in exercise of all powers enabling him in that behalf, the Governor of Balochistan is pleased to make and promulgate the following Ordinance:—

Short title, extent and commencement.

1. (1) This Ordinance may be called The Balochistan Hospital Waste Management Council Ordinance, 2001.

(2) It extends to the whole of the Province of Balochistan except Tribal Areas.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context:—

(a) "Council" means the Balochistan Hospital Waste Management Council established under section 4;

(b) "Hospital Waste" means the liquid or solid waste generated in a hospital. For the purposes of this

¹ This Ordinance was promulgated by the Governor of Balochistan on 9th February, 2001; published in the Balochistan Gazette (Extraordinary) No. 14, dated 13th February, 2001; and declared continue to be in force by Article 270AA of the Constitution of the Islamic Republic of Pakistan (1973).

Ordinance it includes sewage, refuse, chemicals, washings, clinical dressing and bandage materials of all description, clinical swabs of all descriptions, drugs of all descriptions, linen, syringes, needles, radioactive materials, human tissue of all description, and such other items that may be declared as waste and dangerous for human life by the Council;

- (c) "Hospital" means a place of health care delivery where a person can visit for treatment, and may be admitted and kept for any duration of time, with the intention of therapeutic intervention, diagnostics, or any such purposes as may be determined by the Council;
- (d) "Province" means the Province of Balochistan;
- (e) "Regulations" mean regulations made under this Ordinance;
- (f) "Rules" means rules made under this Ordinance;

General Provision. 3. Subject to the provisions of this Ordinance and the rules made thereunder, the functions of the Council shall be:—

- (a) to check and control for proper and safe disposal of hospital waste and such other bio-hazardous waste generated during treatment, diagnosis, burial of the dead, or any other process related to such an act or ancillary thereto, carried out for human beings, animals, or agriculture.
- (b) to ensure and undertake all measures insofar as possible for safety, protection, and promotion of human life.
- (c) to ensure the observance of the National Environment Quality Standards (NEQs), International Standards, the Environment Protection Act of 1997¹.

Establishment of Council. 4. (1) As soon as may be, but not later than thirty days, after commencement of this Ordinance, the Government shall,

¹ Act XXXIV of 1997; passed by Majlis-e-Shoora (Parliament) and assented to by the President on 3rd December, 1997; published in the Gazette of Pakistan, Part-I, dated 6th December, 1997, pages 1681-1705; and repealed to the extent of Balochistan by the Balochistan Act VIII of 2012, S. 42.

Now the Balochistan Environment Protection Act, 2012 (Act VIII of 2012); passed by Provincial Assembly of Balochistan on 24th December, 2012; assented by the Governor of Balochistan on 9th January, 2013; and published in the Balochistan Gazette (Extraordinary) No. 7 dated 18th January, 2013, is in force to the extent of Balochistan.

by notification in the official gazette, establish a Council to be known as the Balochistan Hospital Waste Management Council, consisting of the following members, namely:—

- (i) The Secretary to the Government of Balochistan, Health Department, shall be the Chairman of the Council;
- (ii) Director General Environment Protection Agency Balochistan, shall be a member;
- (iii) Director General, Health Services Balochistan, shall be a member;
- (iv) Managing Director, WASA, shall be a member;
- (v) Chief Engineer, Public Health Engineering Department Balochistan, shall be a member;
- (vi) Zila Nazim, Quetta Municipal Corporation, shall be a member;
- (vii) The Director, Institute of Public Health, Quetta, shall be a member;
- (viii) Six (6) members, being owner/administrator of private sector hospitals, will nominated by the government from amongst the Owners/ Administrator of private hospitals in the Province of Balochistan. These six (6) members will be distributed in a manner to provide adequate representation to the private hospitals in all regions of their Divisions;
- (ix) The Deputy Commissioner Quetta, shall be a member;
- (x) Medical Superintendent, of the apex public sector hospital in the Province, or Director of Hospital Services in the Balochistan Health Department, to be nominated by Health department, shall be a member;
- (xi) A medical teaching grade Microbiologist, not below the rank of Assistant Professor, having Public Health back ground, to be

nominated by the Health department, shall be a member;

- (xii) A medical teaching grade Clinical Pathologist, not below the rank of an Assistant Professor, having Public Health back ground, to be nominated by Health department, shall be a member;
- (xiii) The Incharge of Environmental Health Unit of the Institute of Public Health, Quetta, shall be a member;
- (xiv) The Deputy Commissioner of the respective district pertaining to which a case or a plan of action is under consideration will be a co-opted member.

(2) The Chairman or a member shall, unless he resigns or is removed from office earlier as hereinafter provided, hold office for a term of four years and shall be eligible for reappointment for a similar term.

(3) No act or proceeding of the Council shall be invalid on the ground merely of existence of a vacancy in, or defect in, the constitution of the Council.

(4) The principal office of the Council shall be in Quetta and it may set-up sub-offices at such place or places, as it may deem appropriate.

(5) There shall be a Vice-Chairman of the Council, to be designated by the Council from among its members. The designation of Vice Chairman shall be for a period of one year, and shall be on rotation basis, to be determined by the Council.

(6) In case of completion of term of office of members to the Council, the government shall notify the new nominations, at least thirty days in advance of such an event.

(7) Holding of office with the council by ex- officio members will be in accordance with respective incumbency status of such posts,

(8) The first members to the Council from amongst the private hospitals shall be nominated by the Government, the subsequent members will be nominated by the government in consultation with the body representing the Private Hospitals in the Province;

Chairman, etc., to
be public
servants.

5. The Chairman, members, staff, experts, consultants, advisors, and other employees of the Council, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, or the rules or regulations, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XL V of 1860).

Staff and advisors,
etc.

6. (1) To carry out the purposes of this Ordinance the Council may, in consultation with the Government, from time to time, employ officers, members or its staff, experts, consultants, advisors, and other employees on such terms and conditions as it may deem fit.

(2) All officers, members of staff, experts, consultants, advisors, and other employees employed by the Council shall not be deemed to be civil servants within the meaning of the Balochistan Civil Servants Act, 1974¹.

(3) The Council may seek assistance from a qualified person deemed fit for the assignment by the Council, as Evaluator, as prescribed in the rules. To investigate, verify, or to undertake any other task assigned by the Council. The Evaluator will be eligible to receive remuneration for their professional services, to be determined by the Council.

Provided, that in case of prejudice, or a valid apprehension of any other discrimination by any Evaluator, an incumbent being inspected may register complaint with the Council, which will dispose the matter in accordance with the rules.

Meetings of the
Council
Special Review
Committee.

7. (1) The Secretary to the Council, on the directions of the Chairman, shall call the meeting of the Council. The Council shall however meet at least once in each quarter.

(2) The quorum for meetings in which a decision is to be taken shall be 1/2 of working members to the Council, provided that reasonable notice with regard to the matters requiring decision of the Council, time, and place of such meeting, has been received by all members.

(3) In absence of the Chairman the meetings shall be presided by the Vice-Chairman.

(4) All decisions of the Council shall be taken by majority of members present, and in case of a tie, the member

¹ Act IX of 1974; published in the Balochistan Gazette (Extraordinary) No. 41 dated 20th July, 1974.

presiding the meeting shall exercise a casting vote.

(5) All orders, determinations, and decisions of the Council shall be taken in writing and shall identify the determination of the Chairman and of each member.

Special Review
Committee.

8. The Council may, from amongst its members, or professional staff, establish Special Review Committee/s for settlement of technical and operational problems and disagreements or any other matter as the Council may assign.

Funds.

9. The operations of the Council shall be funded from:

- (1) Grants from the Provincial Government, including an initiating grant, to be determined by the government; *and*,
- (2) Fines collected by it as prescribed under the rules.

Accounts.

10. (1) The Council shall maintain complete and accurate books of accounts of its actual expenses and receipts.

(2) The Accounts of the Council shall be audited annually by the Director Audit Balochistan.

Power to set
standards for
hospital waste
and prescribe
procedures for
its safe
disposal.

11. (1) The Council shall have the exclusive power, to be exercised in the manner prescribed in the rules, to set and declare minimum standards, standard operating procedures in respect of hospital waste management, and any other related matter, in the Province.

(2) The Council shall have exclusive power, to be exercised in a manner prescribed in the rules, to declare standards for procedures to ensure safe disposal of hospital waste.

(3) The Council shall have exclusive power, to be exercised in the manner prescribed in the rules, to set tariffs for safe disposal system, to be charged by the Contractor or Agency operating for the provision of this service.

(4) Any Public or private Hospital found deficient in its observance of minimum safety standards, at an inspection, will be given a grace period of six (6) weeks to complete such a

deficiency, or as prescribed in the rules. After which if the deficiency still is not met in a satisfactory manner the Council may direct the closure of such a Hospital, or any other action as may be determined by the Council:

Provided that, a grace period of two (2) months, or as determined by the Council, will be allowed, after establishment of the Council, for all Hospitals to come in line with the required standards. After which no hospital would be allowed to operate in the Province, or any other action as the Council may deem fit:

Provided further that, in case of secondary and primary level health care facilities and hospitals in the public sector, the Council may determine special standards, to be published in the official gazette.

Power to invite private sector concerns to operate a Hospital Waste Management system, in the Province of Balochistan.

12. (1) The Council shall have the powers to invite private sector for the Disposal of Hospital Waste in the Province, or selected parts of the Province, on such terms and conditions as may suit to Public interest, and submit its recommendations to the Government for consideration.

(2) After approval of the Government the Council may award the contract or contracts to such private concerns and oversee its execution and disposal in accordance with the requirements of public safety and convenience, as may be prescribe by rules and regulations published in the official gazette, operational policy guidelines, and operating standards.

Provided that, such regulations shall be prescribed after the Council is satisfied with their validity, public safety and well being. And within the context of public safety, safeguard the rights of the hospital owners and hospital administration, and the private concerns.

Provided further that the Council shall ensure that within 90 days, of it being constituted, or as determined by the Council, formal declaration of such regulations is made, to be amended from time to time in the light of technical developments and other requirements, as may be prescribed in the rules.

Formation of Committees.

13. The Council, as it may deem fit, constitute Committees, for the purpose of carrying out the objectives of this Ordinance. The Council shall determine the composition, functions, and other matters pertaining to such committees.

Power to Inspect
and Monitor
Hospital
facilities.

14. (1) The Council shall have the powers to cause inspection of hospitals in the Province, at any time, or as may be prescribed by the Council, for the purposes of this Ordinance.

(2) The Council shall have the power to explore, investigate, or do any other action to be determined by the Council, on any case reported to it, or *suo moto*, in respect of any hospital or facility in the Province. And make recommendations in this regard, and pursue the implementation of such recommendations by quarters concerned.

Offences, Penalty,
and
Procedures.

15. (1) Whoever himself or by any other person on his behalf, or by any person under his supervision wilfully, dishonestly, or recklessly undertakes any act which contravenes any of the provisions of this Ordinance or the Rules or Regulations made thereunder, shall be punished with a fine which may extend to rupees fifty thousand.

(2) Whoever, having been punished of an offence under this Ordinance, or the rules, or regulations, is again found guilty of an offence under this Ordinance, rules, or regulations, shall be punishable with a fine which may extend to rupees two hundred thousand, or with temporary closure of such a facility in respect of which the contravention occurred, or with both.

(3) Whoever, having been punished twice of an offence under this Ordinance or the rules, or regulations, and being given a time limit to rectify the contravention, is again found guilty of an offence, shall be punishable with a fine which may extend to rupees five hundred thousand, or permanent closure of such a facility in respect of which the contravention occurred, or with imprisonment for a term which may extend to one year, or with any two or all three penalties.

(4) Where a person found guilty of an offence under this Ordinance or the rules, or regulations, is a company, Medical Practitioner group, hospital, department, corporation, firm, or institution, every director, partner, and employee, of such a company, group practice, hospital, department, corporation, firm, or institution shall, unless he proves that offence was committed without his knowledge or consent, be guilty of like offence.

(5) If any person, or a company, group practice, hospital, department, corporation, firm, or institution, is convicted of an offence under this Ordinance, rules, or

regulations, it shall be lawful for the Council to cause the offender's name, place of residence, place of business, the offence which has been convicted, and the penalty inflated upon such a person, company, Medical Practitioner group, hospital, department, corporation, firm, or institution, to be published at the expense of such a person, company, group practice, hospital, department, corporation, firm, or institution, in such newspaper or in such manner as the Council may direct.

Provided that, the expenses of such publication shall be recoverable in the same manner as a fine is recoverable.

Disposal of the equipment, materials, etc.

16. Where any person has been convicted of an offence under this Ordinance, Rules, or Regulations, it will be lawful for the equipment used, and any other related materials, in respect of which contravention has been made, be confiscated and disposed off in the manner as decided by the Court.

Cognisance of Offence.

17. (1) No court shall take cognisance of any offence punishable under this Ordinance, rules, or regulations, except on a complaint in writing by the Councilor by an officer / representative duly authorised in this respect thereof.

(2) The provisions of Chapter XX of the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply to the trial of offences punishable under this Ordinance.

Power to make rules.

18. The Provincial Government may, by Notification in the official gazette, make rules for carrying out the purposes of this Ordinance.

Power to make regulations.

19. (1) The Council may, by notification in the official gazette, make regulations for carrying out its functions, not inconsistent with the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing powers, such regulations may also provide for the appointment of its officers, members of staff, consultants, advisors, and such other persons and the terms and conditions of their services.

Immunity.

20. Except as expressly provided in this Ordinance, no suit, prosecution, or other legal proceedings shall lie against the Council, the Chairman, or any Member, or a member of any of its Committees/Special review committees, or Evaluators, or employee of the Council, in respect of anything done or intended to be done in good faith under this Ordinance.

Relationship to
other laws.

21. The provisions of this Ordinance shall be in addition to, and not in derogation of, any other law for the time being in force.

Sum payable to the
Council to be
recoverable as
land revenue.

22. All sums payable to the Council in accordance with the provisions of this Ordinance, rules, and regulations, shall be recoverable as arrears of land revenue.

Removal of
difficulty.

23. If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Provincial Government may make such order, not inconsistent with the provisions of this Ordinance, as may appear to the provincial government to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from coming into force of this Ordinance.
