Martyr Gangalal National Heart Disease Centre Act,
2057 (2000)

Date of Authentication and Publication
2057.10.4 (17 Jan. 2001)

Amendment:


An Act made for the establishment and management of Martyr Gangalal National Heart Disease Centre

Preamble: Whereas, with a view to eternally commemorating Martyr Gangalal, it is expedient to establish and operate the Martyr Gangalal National Heart Disease Centre in order to enable the heart patients to spend humane life by providing necessary high standard health services in an easily available manner for the prevention, diagnosis, treatment of heart diseases and rehabilitation of heart patients and to prepare such human resources, as may be required, for high standard study and research on heart diseases;

Now, therefore, be it enacted by the Parliament in the Twenty Ninth year of the reign of His Majesty King Birendra Bir Bikram Shah Dev.

1. Short title and commencement: (1) This Act may be called as the "Martyr Gangalal National Heart Disease Centre Act, 2057(2000)".

1 This Act came into force on 15 Jestha 2065.
(2) This Act shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act:
   
   (a) "Centre" means the Martyr Gangalal National Heart Disease Centre established under Section 3.
   
   (b) “Board” means the Board of Governors of the Centre formed pursuant to Section 7.
   
   (c) "Chairperson" means the Chairperson of the Board.
   
   (d) "Member" means the member of the Board and includes the chairperson and member secretary of the Board.
   
   (e) "Executive Director" means the Executive Director appointed or designated pursuant to Section 11.
   
   (f) "Prescribed" or "as prescribed" means prescribed or as prescribed in the bye-law framed under this Act.

3. **Establishment of Centre:** (1) The Martyr Gangalal National Heart Disease Centre is hereby established as a high level centre so as to enable the heart patients to spend humane life by providing, in an easily available manner, necessary high standard health services for the prevention, diagnosis, treatment of heart diseases and rehabilitation of heart patients and to prepare such human resources as may be required for high standard study and research works on heart diseases.

   (2) The office of the Centre shall be situated in the Kathmandu District, and a branch and unit of the Centre may also be established in another District as per necessity.

4. **Centre to be autonomous body:** (1) The Centre shall be an autonomous body corporate, with perpetual succession.
(2) The Centre shall have a separate seal of its own for all of its activities.

(3) The Centre may, like an individual, acquire, use, sell and dispose of, or otherwise deal with, any movable and immovable property.

(4) The Centre may, like an individual, sue and be also sued by its name.

5. **Objectives of Centre:** The objectives of the Centre shall be as follows:

(a) To enable the heart patients to spend humane life by providing, in an easily available manner, necessary high standard health services for the prevention, diagnosis, treatment of heart diseases and rehabilitation of heart patients,

(b) To prepare such human resources as may be required in the field of treatment of heart diseases and do or cause to be done high standard study and research works on heart diseases,

(c) To launch programmes on the prevention and control of heart diseases,

(d) To formulate policies and programmes on heart diseases in order to bring about improvement in the field of health services in the country and give advice to the Government of Nepal for the implementation thereof.

(e) To perform other creative works on prevention of heart diseases.

6. **Functions, duties and powers of Centre:** The functions, duties and powers of the Centre shall be as follows, in addition to the functions, duties and powers mentioned elsewhere in this Act:
(a) To implement, or cause to be implemented, such policies, plans and programmes as required for the attainment of the objectives of the Centre,

(b) To provide, in an easily available manner, necessary high standard health services for the prevention, diagnosis, treatment of heart diseases and rehabilitation of heart patients,

(c) To launch national heart disease prevention and control programme for the prevention of heart diseases and rehabilitation of heart patients,

(d) To prepare human resources required for the prevention, diagnosis, treatment of heart diseases and rehabilitation of heart patients,

(e) For the accomplishment of the objectives of the Centre, to organize and operate high standard study, research, survey, symposium, assembly, seminar etc. programmes on heart diseases and take part in any pertinent national and international assembly, conference, symposium, seminar etc,

(f) So as to enhance the standards of prevention, diagnosis and treatment of heart diseases and rehabilitation of heart patients, to maintain contact and coordination native and foreign, governmental and non-governmental organizations and prepare national policies, plans and programmes thereon and submit the same to the Government of Nepal,

(g) To provide technical assistance to the agencies involved in prevention, diagnosis and treatment of heart diseases and rehabilitation of heart patients,
(h) To provide scholarship, medal and prizes on prevention, diagnosis and treatment of heart diseases and rehabilitation of heart patients,

(i) To prescribe fees for the health service, consultancy service, research service, lab service as well as other various services to be provided by the Centre and collect such fees,

(j) To obtain such goods in-kind, financial, technical and other assistance from the Government of Nepal or foreign government or national or international organizations, institutions, bodies or person as may be required for the Centre to operate the Centre, and mobilize the same.

(k) To exchange mutual assistance by establishing, expanding and consolidating relationship with native and foreign, governmental and non-governmental organizations related with heart diseases,

(l) To exchange expertise on heart diseases at the national and international sectors,

(m) To operate mobile health services on heart diseases as per necessity,

(n) To disseminate information as to the utility and usefulness against heart diseases and as to heart diseases, publish, or cause to be published, various materials as to health services pertaining to heart diseases and raise or cause to be raised public awareness as to heart diseases,

(o) To develop model information and research areas in the prescribed districts for the management of information
dissemination and research works on health services pertaining to heart diseases,

(p) To develop, expand and diversify such scientific equipment, laboratory, library as well as other facilities as may be required for the Centre,

(q) To make periodic review and evaluation of the plans and programmes operated by the Centre,

(r) To give information of the policy decisions made by the Centre and progress achieved in the implementation thereof to the Government of Nepal in a periodic manner,

(s) To submit the annual report of the Centre to the Government of Nepal,

(t) To carry out, or cause to be carried out, such other functions as may be required to the accomplishment of the objectives of the Centre.

7. **Governing Board of Centre:** (1) A Governing Board shall be formed as follows for the operation, looking after and management of the Centre by performing and exercising all powers conferred to the Centre pursuant to this Act and the Rules framed hereunder:

   (a) Minister for Health or Minister of State for Health -Chairperson

   (b) ……³

   (c) Member, National Planning Commission (looking after health) -Member

³ Deleted by the Act Strengthening Republic and Amending Some Nepal Laws Act, 2066 (2010).
sector)

(d) Secretary at the Ministry of Finance or such gazetted first class officer at the Ministry of Finance as designated by him or her -Member

(e) Secretary at the Ministry of Health or such gazetted first class officer at the Ministry of Health as designated by him or her -Member

(f) Three persons nominated by the Government of Nepal from amongst the specialist doctors in the field of heart diseases.

In making nomination pursuant to this Clause, Two persons shall be nominated from amongst the specialist doctors serving in this Centre -Member

(g) One person from amongst the eminent women social activists -Member

(h) One person nominated by the Government of Nepal from amongst the donors, on recommendation of the Governing Board -Member
(i) One person nominated by the Government of Nepal from amongst the chiefs of various institutes of medical sciences - Member

(j) One person nominated by the Government of Nepal from amongst the chiefs of renowned non-governmental organizations engaged in the field of heart disease prevention at the national level - Member

(k) Executive Director - Member Secretary

(2) The term of office of the members referred to in Clauses (f), (g), (h), (i) and (j) of sub-section (1) of shall be four years, and they may be eligible to be re-nominated or appointed.

(3) The Board may, if it thinks necessary, invite any expert to attend its meeting as an invitee.

(4) Other matters related with the meeting of the Board shall be as determined by the Board itself.

8. **Cessation of membership**: (1) The nominated members of the Board shall cease to hold their office in any of the following circumstances:

(a) If the tenure expires;

(b) If resignation is tendered to the Government of Nepal;

(c) If the member dies;
(d) If the member, without giving a notice, absents himself/herself from three consecutive meetings of the Board.

(2) If the post of any member falls vacant pursuant to Sub-section (1), another member shall be nominated as soon as possible for the remainder of term.

9. **Act and action not to be invalid**: Despite that any act or action has been done or taken following any error in the formation of the Board or vacancy in office of any member, such act or action shall not be invalid solely on such ground.

10. **Functions, duties and powers of chairperson**: The functions, duties and powers of the chairperson shall be as prescribed.

11. **Executive Director, adviser and other employee**: (1) The Government of Nepal shall appoint one Executive Director from amongst the heart disease specialists for the operation of the day-to-day administration as the administrative chief of the Centre.

    (2) The term of the Executive Director appointed pursuant to sub-section (1) shall be Four years and he/she may be re-appointed.

    (3) The functions, duties and powers of the Executive Director shall be as prescribed.

    (4) The Centre may, as per necessity, appoint technical and administrative advisers and employees.

12. **Remuneration, terms and conditions of service and facilities**: (1) The remuneration, terms and conditions of service and facilities of the Executive Director and advisers and employees of the Centre shall be as prescribed.
(2) The members shall get meeting allowance as prescribed for attending the meeting of the Board.

13. **Fund of Centre:** (1) The Centre shall have a fund of its own; and the fund shall consist of the following amounts:

   (a) Grants received from the Government of Nepal,

   (b) Grants received from any foreign organizations, governments or international organizations,

   (c) Amounts received from various services rendered by the Centre,

   (d) Amounts received from various persons,

   (e) Amounts received from other sources.

   (2) All the expenditures of the Centre shall be chargeable on the fund as referred to in Sub-section (1).

   (3) The amounts received from the Government of Nepal, foreign governments or international organizations shall be spent on that programme or act for which such amounts have been received by the Centre.

   (4) The fund of the Centre shall be operated as prescribed.

14. **Accounts and audit:** (1) The accounts of the incomes and expenditures of the Centre shall be maintained as prescribed.

   (2) The incomes and expenses of the Centre shall be audited by the Office of the Auditor General or by an auditor designated by that Office.

15. **Powers to form technical committee:** (1) The Board may form a technical committee, as required, for the provision of such technical service and assistance as may be required for the Centre.
(2) The functions, duties, powers and procedures of the technical committee formed pursuant to Sub-section (1) shall be as prescribed.

16. **Powers to form sub-committee or task force:** (1) The Board may form a sub-committee or task force, as required, for the operation of its programmes.

(2) The functions, duties, powers and procedures of the sub-committee or task force formed pursuant to Sub-section (1) shall be as prescribed.

17. **Delegation of powers:** The Board may, as required, delegate any of the powers conferred to it under this Act or the Rules framed under this Act to any member or officer employee of the Board.

18. **Annual report:** The Board shall prepare annual progress details and submit the same to the Government of Nepal no later than three months after the date of expiration of the fiscal year.

19. **Powers to give direction:** The Government of Nepal may give direction to the Centre on such policy matters as deemed necessary by it to implement the objectives of this Act; and it shall be the duty of the Centre to observe such direction.

20. **Liaison with the Government of Nepal:** Where the Centre has to make contact with the Government of Nepal on policy related matters on the prevention, diagnosis, treatment of heart diseases and rehabilitation of heart patients, it shall do so through the Ministry of Health; and on other matters, the Centre may directly contact with any Ministry of the Government of Nepal and bodies under that Ministry.

21. **Powers to frame Rules:** The Board may frame necessary Rules for the implementation of the objectives of this Act.
22. **Repeal and saving:** (1) The Martyr Gangalal National Heart Disease Development Board (Formation) Order, 2055 is, hereby, repealed.

(2) The rights, liabilities, movable and immovable properties held by the Board formed under the Order as referred to in Sub-section (1) shall be transferred to the Centre established under this Act; and the acts and actions done or taken by the said Board shall be considered to have been done and taken by this Centre.