

**The Martyr Gangalal National Heart Disease Center Act,
2057(2000)**

Date of Royal Assent and Publication:

2057.10.4 (17 Jan, 2001)

Act number 15 of the year 2052(1996)

**An Act Made to Provide for the establishment and management of Martyr
Gangalal National Heart Disease Center**

Preamble:

Whereas, it is expedient to establish and operate the Martyr Gangalal National Heart Disease Center in order 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, with a view to eternally commemorate Martyr Gangalal;

Now, therefore, Parliament has enacted this Act 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 cited as the "Martyr Gangalal National Heart Disease Center Act, 2057(2000)".

(2) This Act shall come into force at once.



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2. Definitions: Unless the subject or the context otherwise requires, in this Act:

- (a) "Center" means the Martyr Gangalal National Heart Disease Center established under Section 3.
- (b) "Board" means the Board of Governors of the Center formed pursuant to Section 7.
- (c) "Chairperson" means the Chairperson of the committee.
- (d) "Member" means the member of the Board and this term 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 Center: (1) The Martyr Gangalal National Heart Disease Center is hereby established as a high level center in order 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 Center shall be situated in the Kathmandu District, and a branch and unit of the Center may also be established in another District as per necessity.

4. Center to be autonomous body: (1) The Center shall be an autonomous body corporate with perpetual succession.

(2) The Center shall have a separate seal of its own for all of its activities.

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

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

5. Objectives of Center: The objectives of the Center 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 programs on the prevention and control of heart diseases,
- (d) To formulate policies and programs 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 Center:

In addition to the functions, duties and powers mentioned elsewhere in this Act, the functions, duties and powers of the Center shall be as follows:

- (a) To implement, or cause to be implemented, such policies, plans and programs as required for the attainment of the objectives of the Center,


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- (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 program 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 Center, to organize and operate high standard study, research, survey, symposium, assembly, seminar etc. programs 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 programs 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,


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- (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 Center 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 Center to operate the Center, 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 Center,
- (q) To make periodic review and evaluation of the plans and programs operated by the Center,
- (r) To give information of the policy decisions made by the Center and progress achieved in the implementation thereof to the Government of Nepal in a periodic manner,
- (s) To submit the annual report of the Center 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 Center.

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

(a)	Minister for Health or Minister of State for Health	Chairperson
(b)	Member of House of Representative elected from the House of Representatives election constituency where the Center is situated	Member
(c)	Member, National Planning Commission (looking after health	Member

	sector)	
(d)	Secretary at the Ministry of Finance or such gazetted first class officer at the Ministry of Finance as designated by him/her	Member
(e)	Secretary at the Ministry of Health and Population or such gazetted first class officer at the Ministry of Health and Population as designated by him/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 Center	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	Member

	medical sciences	
(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) If the Board thinks it necessary, it may 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 member of the Board shall cease to hold their office in the following circumstances:

- (a) If the term 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.

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(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 remaining term.

9. Act and action not to be invalid:

Notwithstanding 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 merely 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 Center.

(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 Center 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 Center shall be as prescribed.


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(2) The member shall be entitled to a meeting allowance as prescribed for attending the meeting of the Board.

13. Fund of Center: (1) The Center 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 Center,
- (d) Amounts received from various persons,
- (e) Amounts received from other sources.

(2) All the expenditures of the Center 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 program or act for which such amounts have been received by the Center.

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

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

(2) The audit of the incomes and expenses of the Center shall be performed by the Office of the Auditor General or by an auditor designated by that Department.

- 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 Center.
- (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 programs.
- (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 per necessity, 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 Center on such policy matters as deemed necessary by it to implement the objectives of this Act; and it shall be the duty of the Center to observe such direction.

20. **Liaison with the Government of Nepal:** Where the Center has to make contact with the Government of Nepal on policy matters relating to the prevention, diagnosis, treatment of heart diseases and rehabilitation of heart patients, it shall do so through the Ministry of Health and Population; and on other matters, the Center 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 in the name of the Board formed under the Order as referred to in sub-section (1) shall be transferred to the Center established under this Act; and the acts and actions done or taken by the said Board shall be deemed to have been done and taken by this Center.



Jan. 25, 2017
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