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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND JUSTICE

Islamabad, the 8th January, 2019

No. F. 2(1)/2019-Pub.—The following Ordinance Promulgated by the President on 5th January, 2019 is hereby published for general information:—

ORDINANCE No. II OF 2019

AN

ORDINANCE

To provide for the regulation and control of the medical profession and to establish a uniform minimum standard of basic medical education and training and recognition of qualifications in medicine and dentistry.

WHEREAS it is expedient to provide for the regulation and control of the medical profession and to establish a uniform minimum standard of basic medical education and training, and recognition of qualifications in medicine and dentistry;

(3)

Price : Rs. 40.00

[19(2019)/Ex. Gaz.]

AND WHEREAS the Senate and the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**—(1) This Ordinance will be called the Pakistan Medical and Dental Council Ordinance, 2019

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(i) **“affiliated college” or “affiliated institution”** means a college or institution affiliated to the University, but not maintained or administered by it;

(ii) **“approved hospital or institution”** means a hospital or an institution included in the Sixth Schedule;

(iii) **“basic science faculty”** means faculty in a medical or dental college or medical or dental university as the case may be, involved in teaching the basic, non-clinical medical sciences, including anatomy, physiology, pharmacology, immunology, pathology, forensic sciences, and other medical or dental sciences not involving direct patient care;

(iv) **“clinical faculty”** means a medical or dental practitioner involved in direct patient care in a recognized medical or dental college or medical and/or dental university, including medicine, Surgery, pediatrics, gynecology and obstetrics, radiology, ophthalmology and their specialties, dental, orthodontics and any other current or future disciplines involved in direct patient care;

(v) **“Council”** means the Pakistan Medical and Dental Council (PM&DC) constituted under this Ordinance;

(vi) **“continuous professional development”** means skill enhancement and improvement in personal and professional competence which may—

- (i) comprise lectures, seminars, courses, individual study or other activities undertaken by a registered medical or dental practitioner;
- (ii) reasonably be expected to advance a registered medical or dental practitioner's development in his related profession; and
- (iii) is relevant to the practice of registered medical or dental practitioner;
- (vii) **“committee”** means any committee constituted under this Ordinance;
- (viii) **“constituent college” or “constituent institution”** means a college or institution maintained and administered by a Medical University;
- (ix) **“continuous professional development opportunity provider”** means an organization providing continuous professional development opportunities and included in the Seventh Schedule;
- (x) **“dental institution”** means any institution, recognized under this Ordinance, within or outside Pakistan, which trains for, or grants, or both trains for and grants, degrees or diplomas in dentistry;
- (xi) **“house job or foundation year or internship”** means hands on training in clinical subjects on a rotational basis in an approved hospital or institution after provisional registration as a pre-requisite for full registration under section 30;
- (xii) **“medical institution”** means any institution recognized under this Ordinance, within or outside Pakistan, which trains for or grants or both trains for and grants degrees or diplomas in medicine;
- (xiii) **“Medical Tribunal”** means Tribunal constituted under section 35;
- (xiv) **“medicine”** means modern scientific medicine and includes surgery and other disciplines, but does not includes veterinary medicine and surgery;
- (xv) **“Ministry”** means the Federal Ministry concerned with the affairs with the council;
- (xvi) **“Medical University”** means any university established under Pakistan law having without exception a constituent medical college, dental college, nursing college, and allied health college, with at least three Ph.D programmes duly recognized by the Council.

- (xvii) “**President**” means President of the Council;
- (xviii) “**prescribed**” means prescribed by rules or regulations under this Ordinance, as the case may be;
- (xix) “**recognized medical qualification**” means any basic medical qualification included in the First Schedule;
- (xx) “**recognized dental qualification**” means any basic dental qualification included in the Fifth Schedule;
- (xxi) “**recognized additional medical or dental qualification**” means any additional medical or dental qualification included in the Third Schedule;
- (xxii) “**Register**” means the Register of medical practitioners or the Register of dental practitioners maintained under this Ordinance;
- (xxiii) “**registered medical practitioner**” means a medical practitioner whose name is included in the Register maintained under this Ordinance;
- (xxiv) “**registered dental practitioner**” means a dental practitioner whose name is included in the Register maintained under this Ordinance;
- (xxv) “**Regulations**” mean regulations made under this Ordinance;
- (xxvi) “**registerable qualifications**” mean medical or dental qualifications recognized under the provisions of this Ordinance; and
- (xxvii) “**Rules**” mean rules made under section 43 this Act;

3. **Constitution of the Council.**—(1) As soon as may be after the commencement of this Ordinance the Prime Minister of Pakistan shall establish, in accordance with the provisions of this Ordinance, a Council to be called the Pakistan Medical and Dental Council.

(2) The Council shall be a body corporate by the name of the Pakistan Medical and Dental Council having perpetual succession and a common seal, with power, subject to the provision of this Ordinance, to hold and dispose of property, to enter into contracts and shall in the said name sue and be sued.

(3) The headquarters of the Council shall be at Islamabad.

4. **Composition of the Council.**—(1) The Council shall comprise of the following members to be notified **after approval** by the Prime Minister of Pakistan in the official Gazette, namely:—

- (a) three Members of civil society who shall be nominated by the Prime Minister of Pakistan from amongst nationally recognized philanthropists, professionals or persons of known repute;
- (b) four members being one faculty member from the clinical faculty of a Public Medical college or University, from each province nominated by the Provincial or relevant government of the respective province or territory. The nominated member must be at least at the rank of Professor, with ten years experience as a clinical practitioner and teacher, and of outstanding merit;
- (c) four members being one faculty member from the basic science faculty of a Public Medical College or University, from each province nominated by the Provincial or relevant government of the respective province or territory. The nominated member must be at least at the rank of Associate Professor, with ten years experience as a teacher, and of outstanding merit.
- (d) two members being members of the clinical faculty selected by the Prime Minister of Pakistan from the Private medical colleges, meeting the same criteria as the nominees from the Public Medical Colleges as in (b) above.
- (e) two members being one faculty member from the clinical faculty of a Public Dental College or Medical and Dental University, from the Punjab and Khyber Pakhtunkhwa on a rotational basis, and one from the Sindh and Balochistan province on a rotational basis, nominated by the Provincial government of the respective combined provinces. The nominated member must be at least at the rank of Associate Professor, with ten years experience as a clinical dental practitioner and teacher, and of outstanding merit.
- (f) one member being a nominee of the President of the College of Physicians and Surgeons Pakistan not below a Councilor; and
- (g) one member being a nominee of the Surgeon General of the Armed Forces Medical Service.

(2) After the notification of the members of the Council the Ministry shall forthwith and not later than fifteen days of the issuance of notification, call the first

meeting of the newly constituted Council for the purposes of electing the President and Vice-President of the Council. A minimum of eleven members of the Council, shall constitute a quorum for the purposes of the first meeting of the Council or any other meeting wherein an election is to be undertaken.

(3) The President and Vice-President shall be elected from amongst the members of the Council selected under clauses (a), (b), (c), and (d) of sub-section (I).

(4) No member shall enter upon office of the member of the Council until he signs and submits a declaration of no conflict of interest.

(5) The Council shall be deemed to be not properly constituted if its membership falls below twelve members.

(6) Subject to sub-section (5) No act done by the Council shall be invalid on the ground merely of existence of any vacancy in or any defect in the constitution of the Council.

5. **Mode of election.**—(1) An election under sub-section (3) of section 4 shall be conducted by the Council as may be prescribed by the Regulations.

(2) No election to an office of the Council shall be called in question except by an election petition presented within ten days to the Medical Tribunal constituted under this Ordinance. The Tribunal shall decide the election petition within thirty days of the filing of the same and its decision thereon shall be final.

6. **Restrictions on nominations and elections.**—(1) No person, his spouse or children shall be eligible to become member of the Council if he or any one of them has any conflict of interest being an owner or having any direct or indirect financial interest in a medical or dental institution.

7. **Terms of office.**—(1) The President and Vice-President of the Council shall hold office for a term not exceeding three years or not extending beyond the expiry of his term as member of the Council, whichever is less.

(2) The term of a member nominated to the Council shall be three years unless earlier withdrawn by the nominating entity in a manner prescribed by Regulations. They shall be eligible for re-appointment to the Council for a second term, but shall not be eligible for a third term.

(3) If a member fails to attend three consecutive meetings of the Council without any valid reason or remains out of Pakistan for a continuous period exceeding one year, he shall cease to be the member of the Council.

(4) The member including the President and the Vice-President of the Council shall be removed by the Ministry—

- (a) if the Council decides by a three fourth majority that his membership is not in the interest of the Council; or
- (b) his name has been removed from the Register of practitioners as a result of inquiry under this Ordinance; or
- (c) he becomes insane or is declared an insolvent by a competent court; or
- (d) he is convicted for a criminal offence involving moral turpitude, including un-professional and un-ethical conduct as provided for under this Ordinance; or
- (e) his nomination is withdrawn in accordance with Regulations by the entity nominating such member.

(5) If the membership of a member is called in question on any of the reasons provided under sub-section (4) shall be deemed suspended until the issuance of a notification of removal by the Ministry under sub-section (4).

(6) Where the said term of three years is about to expire in respect of any member, his successor may be nominated or elected at any time within three months before the expiry of said term, but shall not assume office until the expiry of the said term.

(7) An elected office-bearer or nominated member may, at any time, resign his membership by writing under his hand addressed to the President and the seat of such member shall be deemed to have fallen vacant from the date of acceptance of his resignation by the President.

(8) A vacancy in the Council shall be filled through nomination, and the person nominated to fill the vacancy shall hold office for the remaining term of the vacancy. Any nomination required to fill a vacancy shall be submitted within fifteen days of such vacancy having occurred.

8. **Meeting of the Council.**—(1) The Council shall meet at least once in three months at such time and place as may be decided by the President.

(2) A minimum of ten members of the Council shall form a quorum, except an elective meeting, and all of the acts of the Council shall be decided by a majority of the members present and voting.

(3) The Registrar shall act as secretary to the Council in all meetings of the Council.

9. **Powers and functions of the Council.**—(1) The Council shall have the power of general supervision over the working of the Council and shall hold the President, Vice-President, Registrar, Committees and other authorities of Council accountable for all its functions. The Council shall have all powers not expressly vested in any other Authority or officer by any other law where such powers not expressly mentioned in this Ordinance are necessary for the performance of its functions.

(2) Without prejudice to the generality of the foregoing powers and notwithstanding anything contained in any other law for the time being in force, the Council shall have the following powers namely:—

- (a) to provide for all matters relating to welfare, terms and conditions of service and appointment of all officers and other employees of Council including, with the approval of the Ministry to issue compulsory golden handshake scheme for the employees of the Council or such other severance package, as it may deem proper;
- (b) approve the proposed annual plan of work including key performance indicators, the annual and revised budgets, the annual report and the annual statement of account;
- (c) approve strategic plans and approve financial resource development plans of PMDC;
- (d) to develop accreditation standards, for medical and dental programs of study based predominantly in Pakistan and for assessment of international medical graduates for registration in Pakistan;
- (e) to assess programs of study based predominantly in Pakistan leading to general or specialist registration of the graduates of those programs to practice medicine and dentistry in Pakistan to determine whether the programs meet approved accreditation standards, and to make recommendations for improvement of those programs;
- (f) to assess and grant recognition to medical and dental institution which train or grant or both train and grant medical and dental qualifications and the qualifications granted by it leading to registration of the graduates of those programs to practice medicine in Pakistan, to determine whether the institutions meet approved accreditation standards;

- (g) to assess authorities in other countries that conduct examinations for registration in medicine and dentistry, or that accredit programs of study relevant to registration in medicine and dentistry, to decide whether persons who successfully complete the examinations or programs of study conducted or accredited by those authorities would have the knowledge, clinical skills and professional attributes necessary to practice medicine and dentistry in Pakistan;
- (h) to assess, or oversee the assessment of, the knowledge, clinical skills and professional attributes of overseas qualified medical and dental practitioners who are seeking registration in medicine and dentistry whose qualifications are not approved qualifications under the Ordinance pursuant to Regulations;
- (i) to assess the case for the recognition of new medical and dental specialties;
- (j) to advise the Federal Government and the Provincial Governments on proposals for granting a Charter to award degrees in the field of medicine and dentistry, both in public and private sector;
- (k) to advise the Federal Government and the Provincial Governments, Health Care Commissions, Regulatory bodies in the field of medicine and dentistry and any other Authority or local body on matters within the powers of the Council under the Ordinance and ancillary and incidental thereto;
- (l) to work with international health, accreditation and testing authorities and agencies to bring about improvement in the furtherance of these objectives;
- (m) to advise and recommend to the Ministry the remuneration and allowances to be paid to the President, Vice-President, and Council members, officers and servants of the Council, which shall be determined and fixed by the Ministry;
- (n) to fix the salaries and remuneration of the officers and servants of the Council,
- (o) constitute from amongst its members or outside experts such Committees as the Council deems necessary to carry out the purpose and functions of the Council; and

- (p) to do all such matters as are ancillary to, convenient for or which foster or promote the advancement of matters that are the subject of these objectives.

(3) The Council may, of its own motion or otherwise, call for and examine the record of any proceedings in which an order has been passed by any officer, committee or authority of the Council for the purpose of satisfying itself as to the correctness, legality or propriety of any finding or order and may pass such orders as it may deem fit:

Provided that no such order shall be passed unless the person to be affected thereby is afforded an opportunity of being heard.

10. **Principal Officers.**—The following shall be the principal officers of the Council, namely:—

- (a) the President;
- (b) Vice-President
- (c) Such other persons as may be prescribed by the Rules to be the principal officers of the Council.

11. **The President.**—(1) The President shall be the head of the Council, and Chair its meetings. In his absence, the Vice-President shall chair the council meeting and perform the functions of the President for that meeting.

(2) The Council shall appoint a Registrar and Director Finance, in the manner prescribed by Rules, to carry out the purposes of this Ordinance.

(3) The Council shall appoint such officers, officials and servants on regular basis or contract as the Council deems necessary to carry out the purposes of this Ordinance.

12. **Registrar.**—(1) The Registrar shall be the chief executive officer and principle accounting officer of the Council and will be responsible for facilitating and carrying out all administrative affairs and functions as directed by the Council. He shall ensure that the provisions of the Ordinance, Rules and Regulations are faithfully observed in order to promote the general efficiency and good order of the Council.

- (2) The Registrar shall report to the Council and shall,—

- (a) be the custodian of the common seal and the records of the Council;
- (b) maintain a register of registered medical and dental practitioners in the prescribed manner;
- (c) coordinate the process of election, appointment or nomination of members to the various authorities and other bodies in the prescribed manner; and
- (e) perform such other duties as may be prescribed or delegated to him, by the Council.

(3) The term of office of the Registrar shall be for a fixed term of three years, which may be renewed by Council for one more term of three years. The incumbent shall not be eligible for appointment after completion of the second term:

Provided that the Council may, on the advice of the President, terminate the appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

13. **The Director Finance.**—(1) There shall be a Director Finance of the Council to be appointed by the President on the recommendation of the Council, on such terms and conditions as may be prescribed.

(2) The experience and professional and academic qualifications necessary for appointment to the post of the Director Finance shall be as may be prescribed.

(3) The Director Finance shall be the chief financial officer of the Council and shall,—

- (a) manage the assets, liabilities, receipts, expenditures, funds and investments of the Council;
- (b) prepare the annual and revised budget estimates of the Council and present them to the Council for approval and incorporation in the budget by the Council;
- (c) ensure that the funds of the Council are expended on the purposes for which they are provided;
- (d) have the accounts of the Council audited annually so as to be available for submission to the Council; and

(e) perform such other duties as may be prescribed.

(4) The term of office of the Director Finance shall be a fixed term of three years. The appointment may be renewed by council for one more term of 3 years. The incumbent will not be eligible for appointment after completion of the second term. Provided that the Council may, on the advice of the President, terminate the appointment of the Director Finance on grounds of in-efficiency or misconduct in accordance with prescribed procedure.

14. **Committees of the Council.**—The Council shall have the power to constitute necessary committees for undertaking the functions of the Council and to assist the Council in exercise of its powers. The Council shall delegate such powers to the committees as may be prescribed by Regulations. These powers shall be exercised in the manner prescribed by Regulations.

15. **Recognition of medical institutions, Medical University and qualifications.**—(1) The Council shall be responsible for the grant of recognition to medical institution, Medical Universities which train or grant, as the case may be, medical qualifications and the qualifications granted by it. On the recommendation of the Council such medical institution or qualifications shall be included in the First Schedule by the Ministry by notification in the official Gazette. Entry in the First Schedule will be proof of due recognition by the Council and shall entitle the medical institution to train and grant or both train and grant medical qualifications mentioned therein after the date of notification.

(2) Any medical institution or Medical University requesting recognition in pursuance of sub-section (1) may apply to the Council for the same in the prescribed manner.

(3) Upon receipt of application made in pursuance of sub-section (2) the Registrar shall scrutinize the application and if satisfied that the application is in conformity with the prescribed procedure, shall place the application on the agenda of the upcoming meeting of the appropriate Evaluation Committee for its consideration and appointment of inspectors for carrying out the inspection of the medical institution as prescribed. In case the application is found to be deficient and required information has not been provided, the Registrar shall, within fifteen days of receipt of application, return the same for a revised re-submission.

(4) After inspection, if the Evaluation Committee is satisfied that the medical institution has the prescribed infrastructure and faculty to train and grant medical qualification, it shall recommend the same to the Council for approval. If approved, the Council shall recommend the Ministry for recognition of the medical institution in terms of sub-section (1).

(5) The Ministry upon receipt of recommendation of the Council shall cause the name of both the medical institution and the qualification it intends to grant to be included in the First Schedule by notification in the official Gazette within fifteen days.

(6) An Institution aggrieved by the order of the Ministry may prefer an appeal to the Medical Tribunal constituted under this Ordinance. The Medical Tribunal shall decide the appeal within sixty days.

16. Power of the Council to certify certain persons to be possessed of sufficient medical or dental qualifications.—(1) If, after an examination as may be prescribed by the Council, the Council is satisfied that a person holding a qualification granted by a medical or dental institution outside Pakistan, and which is registerable in the jurisdiction in which it was awarded, is possessed of sufficient knowledge and skill to be registered as a practitioner for the purpose of this Ordinance, it may recommend to the Ministry to issue a notification in favor of such person to register him and his qualification. Upon such notification, the Council shall register the qualification possessed by the person without it being entered in any of the Schedules of this Ordinance.

(2) For those who, in addition to a basic medical or dental qualification which is registerable in the jurisdiction in which it was awarded, also possess postgraduate qualification(s) which are recognized by the Council, no further examination will be required and the Council may then recommend to the Ministry to issue a notification in favor of such person to register him and his qualifications. Upon such notification, the Council shall register such recognized qualifications possessed by the person. On the recommendation of the Council such recognized additional qualifications shall be included in the Third Schedule by the Ministry by notification in the official Gazette.

(3) The Council shall register the qualification referred to in sub-section (1) by maintaining a separate list in the Register.

17. Additional medical or dental qualifications and Institutions.—(1) The Council shall recognize postgraduate medical and dental qualifications or diplomas given by the College of Physicians and Surgeons of Pakistan.

(2) The Ministry on the recommendation of Council may grant recognition to any post-graduate medical or dental institution in Pakistan which train or grant or both train and grant additional or alternative qualifications apart from those already provided by the College of Physicians and Surgeons of Pakistan. On the recommendation of the Council such recognized post-graduate medical or dental institutions or such recognized additional qualifications shall be included in the Third Schedule by the Ministry by notification in the official Gazette.

18. Recognition of foreign additional medical or dental qualifications.—The Council shall evaluate any additional or alternative medical or dental qualifications granted by any foreign institution and may—

- (a) recommend to the Ministry that such institution or qualifications be—
 - (i) recognized and included in the Third Schedule as provided in section 17; or
 - (ii) notify it only and shall not be included in the Third Schedule, however, a separate list thereof shall be maintained; or
- (b) proceed as per section 16 or 21, as the case may be.

19. Recognition of continuous professional development opportunity providers.—(1) The Ministry on the recommendation of the Council may grant recognition to any organization in Pakistan, which provides opportunities of continuous professional development to the registered medical and dental practitioners. On the recommendation of the Council such recognized organization shall be included in the Seventh Schedule by the Ministry by notification in the official Gazette. Entry in the Seventh Schedule will be proof of due recognition by the Council and shall entitle the organization to provide opportunities of continuous professional development to the registered medical and dental practitioners after the date of notification.

(2) The provision of sub-section (2), (3), (4), (5), and (6) of section 15 shall apply *mutatis mutandis* for the recognition of such organization.

(3) A separate list of international continuous professional development opportunities providing organizations or institutes shall be maintained by the Council.

20. Recognition of dental institutions and qualifications.—(1) The Council may grant recognition to any dental institution in Pakistan which train and or grant dental qualifications as the case may be and the qualifications granted by it. On the recommendation of the Council such dental institution or qualifications shall be included in the Fifth Schedule by the Ministry by notification in the official Gazette. Entry in the Fifth Schedule shall be proof of due recognition by the Council and shall entitle the dental institution to train and grant or both train and grant dental qualifications mentioned therein after the date of notification.

(2) The provision of sub-section (2), (3), (4), (5), and (6) of section 15 shall apply *mutatis mutandis* for the recognition of such dental institutions and qualifications.

21. Recognition of hospitals or institutions for house job or internship or foundation year(s) training.—(1) The Council may grant recognition to any hospitals or institutions in Pakistan which train for house job or internship or foundation year as the case may be. All such recognized hospitals or institutions shall be included in the Sixth Schedule by the Ministry by notification in the official Gazette. Entry in the Sixth Schedule will be proof of due recognition by the Council and shall entitle the hospital or institution to train for house job or internship or foundation year after the date of notification.

(2) The provision of sub-section (2), (3), (4), (5), and (6) of section 15 shall apply *mutatis mutandis* for the recognition of such dental institutions and qualifications.

22. Inspection.—(1) The Council shall approve a list of inspectors and the President shall commission such number of medical or dental inspectors from the approved list, as he may deem appropriate, to inspect the facilities for training available at the medical or dental institutions and attend at any or all of the examinations held by medical or dental institutions in Pakistan recognized under this Ordinance for the purpose of granting recognized medical or dental or additional medical or dental qualifications.

(2) Inspectors appointed under this section shall form a comprehensive report on the prescribed format about the facilities for training in the institution and shall not interfere with conduct of any examination and shall report to the Council on the standard of the inspected examination which they attend and on the courses of study and facilities for teaching provided by the medical or dental institution inspected for different stages leading up to examinations and on any other matters in regard to which the President or the Council may require them to report.

(3) The President shall forward a copy of any part of such report to the medical or dental institution concerned for its remarks and shall forward a copy, with the remarks of such medical or dental institution thereon along-with its recommendation, to the Council.

(4) (1) The Council may authorize any of its officers or its inspectors to enter the premises of a medical or dental college or institution or other such institution for purposes of inspection.

(2) A medical or dental college or institution or other recognized institution shall, at all reasonable times, be open for inspection by an authorized officer under sub-section (1) and the medical or dental college or institution or other recognized institution shall provide such officer every assistance and facility in performance of his duties.

(3) The authorized officer shall, within forty-eight hours of the inspection, submit his inspection report to the President or the Council.

(4) The Council may authorize any of its officers to undertake investigation, in the manner it may prescribe, in any matter with regard to its functions and to seek any specific information, from any person, which the Council may deem useful in order to enable it to determine and dispose of such matter including seizing of any record as may be deemed necessary by the Council for such investigation.

23. **Withdrawal of recognition.**—(1) When upon report by the Committee or the Inspector appointed under section 23 or from any other source it appear to the Council that,—

- (a) that a recognized institution is violating provisions of this Ordinance or rules or regulations made thereunder, or
- (b) the courses of study and standard of examination to be undergone in, or the proficiency required from candidates at any examination held by any University or medical or dental institution, or
- (c) the staff, infrastructure, equipment, accommodation, training and other facilities for instruction and training provided in such medical or dental institution or in any college or other recognized institution, or
- (d) that facilities for training for house job or internship or foundation year in a continuous professional development opportunity providing organization has deteriorated to an extent that the standard of proficiency required from candidates at examination held for the purpose of granting such qualification additional qualification is not such as to secure to persons holding such qualification the knowledge and skill requisite for the efficient practice of medicine or dentistry;

the Council shall prepare and issue its findings in writing.

(2) The Council shall forward to the medical or dental institution, a summary of its findings with the proposed action to be taken against such medical or dental institution with an intimation of the period, which shall not be less than fifteen days, within which the medical or dental institution may submit its explanation to the Council and may request for a hearing before the Council if it so desires.

(3) If the Council is not satisfied with the explanation or, where no explanation is submitted within the stipulated time, then on the expiry of that period, it shall recommend to the Ministry for closure of the institution subject to the conditions

that students who are enrolled in such medical or dental institution during the period it was recognized by the Council shall not suffer any loss in terms of the period of education already undertaken and remaining period to be undertaken by them:

Provided that for purposes of protecting the rights of existing students, the Council may approve a scheme which may include the management of the medical or dental institution being handed over to an interim committee administrator or persons appointed by the Council with the approval of the Ministry.

(4) On the recommendation of the Council, the Ministry may, by notification in the official Gazette, direct that an entry shall be made in the First, Third, Fifth, Sixth or Seventh Schedule, as the case may be, against the said medical or dental or a postgraduate institution and qualification granted by it, hospital or continuous professional development opportunity provider declaring that it shall be a recognized medical, dental or additional medical or dental qualification, institution, hospital and continuous professional development opportunity provider only before the date of notification:

Provided that the Ministry, within thirty days, may require the Council to reconsider its recommendation. Where Council after reconsideration uphold its earlier recommendation the Ministry shall issue the notification as provided under subsection (3).

24. Establishment and running of medical and dental institutions without recognition.—Notwithstanding anything contained in any other law for the time being in force, no person, authority, body corporate, society, or trust shall establish, operate or run any institution to train or grant or both train or grant medical or dental qualifications, additional medical or dental qualifications or, train for house job or internship or foundation year or, an organization for continuous professional development or for continuous medical education. No university shall grant affiliation to any such institution nor any such institution shall award any degree unless recognition has been granted to such college or institution under this Ordinance.

25. Maintenance of register of medical practitioners.—(1) The Council shall maintain a Register of registered medical practitioners possessing recognized medical or additional medical qualifications as may be prescribed.

(2) Person having recognized basic degree shall be registered by the Council provisionally for the purposes of undergoing mandatory one year house job or foundation year or internship in an approved hospital or institution included in the Sixth Schedule. After completion of the duly assessed and certified one year mandatory house job or foundation year or internship the person shall be awarded full registration.

(3) Subject to payment of dues and fulfilment of requirements of continuation of registration as laid down by the Council from time to time, the practitioner shall be deemed to hold a valid registration and shall be entitled to all eligible privileges of a registered medical practitioner. The valid registration certificate shall be the license to practice medicine in Pakistan.

26. Maintenance of register of dental practitioners.—(1) The Council shall maintain a Register of registered dental practitioners possessing recognized dental or additional dental qualifications as may be prescribed.

(2) Subject to sub-section (3), person having recognized basic degree shall be registered by the Council provisionally for the purposes of undergoing mandatory one year house job or foundation year or internship, duly assessed, hands on clinical rotation in an approved hospital or institution included in the Sixth Schedule. After competition of the mandatory one year house job or foundation year or internship and production of certificate in this regard the person shall be awarded full registration.

(3) Subject to payment of dues and fulfilment of requirements of continuation of registration as laid down by the Council from time to time, the practitioner shall be deemed to hold a valid registration and shall be entitled to all eligible privileges of a registered dental practitioner. The valid registration certificate shall be the license to practice medicine in Pakistan.

27. Registers to be public documents.—(1) The register maintained under section 26 or section 27 shall be deemed to be public document within the meaning of the *Qanun-e-Shahdat Order, 1984* (P. O. No. 10 of 1984).

(2) The Council shall cause for the updated list of all duly recognized medical practitioners and dental practitioners to be published on its website available for public access.

28. Privileges of registered medical or dental practitioners.—(1) A registered medical practitioner and dentist shall have following privileges, namely:—

- (a) valid registration shall be considered as a license to practice medicine and dentistry in Pakistan and of a level mentioned by the Council in the registration certificate;
- (b) competent to practice medicine or dentistry and prescribe allopathic medicine and perform any surgical or interventional procedure on any patient, commensurating with their training and experience;

- (c) to hold any medical or dental or relevant administrative appointment in any medical or dental institution or setup or hospitals or clinic or related health institution; and
- (d) to hold a commission as a medical or dental officer in the Armed Forces; and

(2) Notwithstanding anything to the contrary contained in any other law for the time being in force, no medical certificate or prescription or medical or dental advice shall be considered valid unless obtained from a medical or dental practitioner having valid registration.

(3) No person shall be entitled to recover any charge in any court of law for any medical dental or surgical advice or attendance or for the performance of any operation or intervention or for any medicine prescribed or supplied unless he is a registered medical or dental practitioner having valid registration with the Council.

29. Responsibilities of registered medical or dental practitioner.—

(1) No registered person shall use or publish in any way whatsoever any title, description or symbol indicating or intended to lead persons to infer that he possesses any additional or other professional qualification unless the same has been conferred upon him by a legally constituted authority within or outside Pakistan and is duly recognized under this Ordinance.

(2) Every registered medical practitioner or dental practitioner shall comply with the code of medical ethics prescribed by the Council.

30. Removal of names from the Register.—(1) The Council, in its discretion, may direct the Registrar to permanently or for a specified period remove from the Register the name of any registered medical practitioner or registered dentist who has been found guilty of misconduct or professional negligence or incompetence or violation of the code of conduct by the disciplinary committee or by any other court of law for any offence involving moral turpitude or who fails to maintain the minimum standard of the national continuous medical education or continuous professional development programme or who by his conduct has rendered himself to be unfit to continue in practice or on account of mental incapacity or for such other grounds as may be prescribed by the Council.

(2) The Council may restore any name removed from the Register under sub-section (1).

(3) For the purpose of an inquiry under sub-section (1), the disciplinary committee of the Council shall exercise all the powers of a civil court under the

Code of Civil Procedure, 1908 (Act V of 1908) for summoning the witnesses, for compelling the production of documents and for issuing commissions.

(4) The claim of professional negligence shall initially be established before the disciplinary committee of the Council before any other proceedings.

31. **Penalties.**—(1) Whoever in contravention of provisions of sections 15, 17, 20, 22 or 25 operates or runs or establishes or endorses any institution or advertises admissions in an institution for imparting education in medicine or dentistry shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to five years but shall not be less than a year or with fine which may extend to fifty million rupees but shall not be less than five million rupees or with both and shall also be liable to closure of such institution.

(2) Whoever in contravention of provisions of this Ordinance operates or runs or establishes or endorses any institution and admits students for imparting education in medicine or dentistry or admits students over and above the allowed number or admits students during the period the Council has stopped fresh intake of students or imparting education in medicine or dentistry, shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to five years but shall not be less than a year or with fine which shall not be less than the sum total of the tuition fee for the whole duration of study for each admitted student or with both and shall also be liable to closure of such institution.

(3) Whoever falsely gets registered with the Council as a registered medical or dental practitioner without possessing recognized medical or dental qualifications or attempts to get registered with the Council as a registered medical practitioner without possessing recognized medical or dental qualifications, shall be guilty of an offence of fraudulent registration, punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten million rupees but shall not be less than five million rupees or with both.

(4) Whoever falsely pretends to be registered under this Ordinance as a medical practitioner or dentist and uses with his name any title or words or letters representing that he is so registered with the Council or uses the word “Doctor” without legal basis, irrespective of whether any person is actually deceived by such presence or representation or not, shall be guilty of an offence punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten million rupees but shall not be less than five million rupees or with both.

(5) Whoever aids or abets any person to falsely register with the Council as a registered medical practitioner without having recognized medical or dental qualifications shall be guilty of an offence punishable with imprisonment for a term

which may extend to two years or with fine which may extend to ten million rupees but shall not be less than five million rupees or with both.

(6) Whoever contravenes any provision of this Ordinance shall be guilty of an offence punishable with imprisonment for a term which may extend to one year or with fine which may extend to three million rupees or with both.

(7) In every case of offence, in which the offender is sentenced to a fine, whether with or without imprisonment, it shall be competent for the Medical Tribunal to direct that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of sentences.

(8) The term for which the Medical Tribunal directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence.

(9) All offences under this Ordinance shall be non-cognizable and triable by the Medical Tribunal constituted under this Ordinance.

32. Offences by bodies Corporate.—(1) Where any contravention of this Ordinance has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance or, is attributed to any negligence on the part of, any director, partner, manager, secretary, trustee or other officer of the body corporate, such director, partner, manager, secretary, trustee or other officer of the body corporate, shall be deemed guilty of such contravention along-with the body corporate and shall be punished accordingly:

Provided that in the case of a company as defined under the Companies Act, 2017 (XIX of 2017), only the Chief Executive shall be liable under this section.

(2) Where any contravention of this Ordinance has been committed by a body corporate or institution and it appears from the relevant documents that such offence has been committed with the consent or connivance of or is attributed to any negligence on the part of any director, partner, manager, secretary or other officer of the body corporate or institution such director, partner, manager, secretary or other officer of the body corporate or institution, shall be deemed guilty of such contravention along-with the body corporate or institution and shall be punished accordingly:

Provided that in the case of a company as defined under the Companies Act, 2017 (XIX of 2017), only its chief executive shall be liable under this section.

Explanation.—For the purposes of this section, “body corporate or institution” includes a firm, association of persons, a society registered under the Societies Registration Act, 1860 (XXI of 1860) or under the Co-operative Societies Act, 1925 (VII of 1925) and a trust created under the Trust Act, 1882 (II of 1882).

(3) Where any contravention of this Ordinance has been committed by any Government agency, local authority or local council and it appears from the relevant documents that such contravention has been committed with the consent or connivance of or is attributable to any negligence on the part of the head or any other officer of the Government agency, local authority or local council, such head or other officer shall also be deemed guilty of such contravention along-with the Government agency, local authority or local council and shall be liable to be proceeded against and punished accordingly.

33. **Cognizance of offences.**—(1) No court shall take cognizance of any offence or matter under this Ordinance to which the jurisdiction of the Medical Tribunal extends.

(2) Any person aggrieved by an act which is an offence under this Ordinance may institute a complaint or claim before the Medical Tribunal.

34. **Medical Tribunals.**—(1) The Prime Minister of Pakistan shall by notification in the official gazette, establish Medical Tribunal which shall exercise jurisdiction under this Ordinance.

(2) A Medical Tribunal shall consist of a Chairperson who is, or has been, or is qualified for appointment as, a judge of the High Court, to be appointed after consultation with the Chief Justice of Pakistan and four members to be appointed by the Prime Minister of Pakistan of which at least two shall be a technical member with suitable professional qualifications and experience, in the medical field.

(3) The powers and functions of a Tribunal may be exercised or performed by Benches as constituted by the Chairman consisting of not less than two members of the Tribunal where one member shall be a technical member.

(4) The principal seat of the Tribunal shall be at Islamabad. The Benches of the Tribunal may function at any of the provincial headquarters as per schedule directed by the Chairman.

(5) If the members of a bench differ in opinion as to the decision to be given on any point the case shall be referred to the Chairman and the decision of the Tribunal shall be expressed in terms of the opinion of the Chairman.

(6) Medical Tribunal shall not, merely because of a change in its composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who has given evidence, and may act on the evidence already recorded by, or produced, before it.

(7) Medical Tribunal may hold its sittings at such places within its territorial jurisdiction as the Chairperson may decide.

(8) No act or proceeding of Medical Tribunal shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution, of the Medical Tribunal.

(9) The terms and conditions of service of the Chairperson and members of the Medical Tribunal shall be such as may be prescribed by Rules.

35. Jurisdiction and powers of Medical Tribunals.—(1) Medical Tribunal shall exercise such powers and perform such functions as are, or may be, conferred upon or assigned to it by or under this Act or the rules and regulations made there under.

(2) All contravention punishable under section 32 shall exclusively be triable by the Medical Tribunal.

(3) Any person aggrieved by an act cognizable under this Ordinance may file a complaint before the Medical Tribunal.

(4) In exercise of its criminal jurisdiction, the Medical Tribunals shall have the same powers as are vested in Court of Session under the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) In exercise of the civil jurisdiction the Medical Tribunals shall have the same powers and shall follow the same procedure as civil court under the Code of Civil Procedure, 1908 (Act V of 1908).

(6) In all matters with respect to which no procedure has been provided for in this Act, the Medical Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Act V of 1908). The Medical Tribunal shall frame such rules for its functioning as deemed appropriate by the Chairman in consultation with the members.

(7) Medical Tribunal may issue bailable warrant for the arrest of any person against whom reasonable suspicion exist, of his having been involved in

contravention punishable under section 32:

Provided that such warrant shall be applied for, issued, and executed in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided further that if the person arrested executes a bond with sufficient sureties in accordance with the endorsement on the warrant he shall be released from custody, failing which he shall be taken or sent without delay to the officer in-charge of the nearest police station.

(8) All proceedings before the Medical Tribunal shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and the Medical Tribunal shall be deemed to be a court for the purpose of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(9) No court other than Medical Tribunal shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of Medical Tribunal extends under this Ordinance, the rules and regulations made there under.

(10) The Medical Tribunal shall hear and decide all complaints or appeals instituted before it within 120 days without exception and shall refuse all requests for adjournments if sought by any party if such adjournment would lead to the Tribunal not being able to decide a case within the stipulated period.

36. Appeals to the Medical Tribunal.—(1) Any person aggrieved by any order or direction of the Council, its Committees or Officers under any provision of this Ordinance, or rules or regulations may prefer an appeal before the Medical Tribunal within thirty days of the date of communication of the impugned order or direction.

(2) An appeal to the Medical Tribunal shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

37. Appeals from orders of the Medical Tribunal.—(1) Any person aggrieved by any final order or by any sentence passed by the Medical Tribunal may, within thirty days of communication of such order or sentence, prefer an appeal to the Supreme Court of Pakistan.

38. The Officers of Federal, Provincial and Local Government to assist Authority.—The officers of Federal Government, Provincial Governments and Local Governments including the Capital Territory Police and the Provincial Police shall assist the Authority and its officers in the discharge of their functions

under the provisions of this Ordinance and the Rules and Regulations made there under.

39. **Abatement of suit and other proceedings.**—All suits, appeals or applications regarding any matter within the jurisdiction of a Medical Tribunal pending in any court immediately before the commencement of this Ordinance shall abate forthwith:

Provided that any party to such a suit, appeal or application may, within ninety days of the establishment of the appropriate Tribunal, prefer an appeal to it in respect of any such matter which is in issue in such suit, appeal or application.

40. **Limitation.**—The provisions of sections 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

41. **Power to make Rules.**—(1) The Ministry may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

42. **Power to make Regulations.**—(1) The Council may, with the approval of the Ministry, make Regulations generally to carry out the purposes of this Ordinance, and, without prejudice to the generality of this power, such Regulations may provide for—

- (a) the management of the property of the Council and the maintenance and audit of its accounts;
- (b) the summoning and holding of meetings of the Council, the times and places where such meetings are to be held, the conduct of business thereat and the number of members necessary to constitute a quorum;
- (c) the powers and duties of the President and Vice-President;
- (d) the mode of appointment of Committees, the summoning and holding of meetings, and the conduct of business of such Committees;
- (e) enforcement of the different codes of general and specialized practice and ethics as framed by the relevant institutions and as may be applicable upon the medical and dental practitioners;
- (f) the appointment, powers, duties and procedure of medical and dental inspectors;
- (g) the conditions and procedure for maintenance, compilation and publication of the Register of medical and dental practitioners and of health care providing facilities and their minimum requirements and the fees to be charged for registration and, if necessary, for opening of

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- sub-offices or branches for this purpose;
 - (h) the procedure for any inquiry under sub-section (1) of section 31;
 - (i) any matter for which under this Ordinance provision may be made by regulations; and
 - (j) fee in respect of any of the subject matter of sub-section (1) of section 44.
- (2) Notwithstanding anything contained in sub-section (1) the Council shall make Regulations which may provide for—
- (a) prescribing a uniform minimum standard of courses of training for obtaining graduate medical and dental qualifications to be included or included respectively in the First, Third and Fifth Schedules;
 - (b) prescribing minimum requirements for the content and duration of courses of study as aforesaid;
 - (c) prescribing minimum qualifications and experience required of teachers for appointment in medical and dental institutions;
 - (d) prescribing the standards of examinations, methods of conducting the examinations and other requirements to be satisfied for securing recognition of medical and dental qualifications under this Ordinance;
 - (e) prescribing the qualifications, experience and other conditions required for examiners for professional examinations in medicine and dentistry antecedent to the granting of recognized medical and dental and additional medical and dental qualifications;
 - (f) terms and conditions of service for all employees of the Council;
 - (g) election of members of the Council; and
 - (h) prescribing a uniform minimum standard for continuous professional development for registered graduate and post-graduate medical and dental practitioners.

43. Information to be furnished by the Council and publication thereof.—(1) The Council shall furnish such reports, copies of its minutes, abstracts

of its accounts, and other information to the Ministry as it may require.

(2) The Ministry may publish, in such manner as it may think fit, any report, and copy, abstract or other information furnished to it under this section or under section 27.

44. **Commission of inquiry.**—(1) Whenever it appears to the Ministry that the Council is not complying with any provisions of this Ordinance, the Federal Minister may refer the particulars of the complaint to a commission of inquiry consisting of three persons two of whom shall be appointed by the Federal Minister, including the chairman being at least a judge of a High Court, and one member nominated by the Council by a resolution.

(2) Such commission shall proceed to inquire in a summary manner and to report to the Federal Minister as to the truth of the matter charged in the complaint and in case of any charge of default or of improper action being found by the commission to have been established, the commission shall recommend the remedies, if any, which are in its opinion necessary.

(3) The Ministry shall forward the report of the commission of inquiry to the Council for implementation and for remedial actions. The Council shall submit to the Ministry a detailed plan of remedial measures to be adopted by the Council which shall be considered as approved if no further orders are passed by the Ministry in this regard within three months. All remedial actions shall be taken by the Council within a stipulated period of six months and the Council shall submit to the Ministry a report of actions taken thereon. If the Council fails to comply with the remedial measures forwarded to it by the Ministry, the Ministry may by itself amend the regulations of the Council or make such provisions or issue orders or take such other steps as may seem necessary to give effect to the recommendations of the commission.

(4) The commission of inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents and shall have other necessary powers for the purpose of any inquiry conducted by it as are exercised by a civil court under the Code of Civil Procedure, 1908 (Act V of 1908).

45. **Delegation.**—The Council may, by general or special order, delegate to the President, Vice-President, Registrar, Committee of the Council or any other officer of the Council, any of its powers or responsibilities under this Ordinance subject to such conditions or limitations as may be prescribed by the Rules or it may prescribe by regulations:

Provided that delegation of such power shall not include the power to grant, revoke or cancel recognition of a medical or dental institution or any of its financial

powers including the power to approve the annual budget.

46. **Officers, etc. deemed to be public servants.**—The Registrar, the Director Finance officers, employees and other staff of the Councils shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code (Act XLV of 1860)

47. **Indemnity.**—No suit, prosecution or other proceedings shall lie against the Government, Ministry, Council, any Committee of the Council, President, Vice-President, Director Finance, Registrar or any member or officer of the Council in respect of anything done or intended to be done in good faith under this Ordinance.

48. **Over-riding provision.**—The provisions of this Ordinance shall have affect notwithstanding anything to the contrary contained in any other law for the time being in force. No suit, prosecution or other legal proceeding shall lie against the Government, the Council or any committee thereof or any officer or servant of the Government or the Council for anything which is in good faith done or intended to be done under this Ordinance.

49. **Repeal and Savings.**—(1) Subject to section 6 of the General Clauses Act, 1897 (Act X of 1897), the Pakistan Medical and Dental Council Ordinance, 1962 (Act XXXII of 1962) herein after reflected as repealing Ordinance hereinafter referred as repealed Ordinance.

(2) Notwithstanding the repeal of the Pakistan Medical and Dental Council Ordinance, 1962 (Act XXXII of 1962) or anything contrary contained herein, all regulations, decisions, disciplinary action taken by the Council, *Ad-hoc* Council, Executive Committee or any other Committee or authority of the Pakistan Medical and Dental Council shall be deemed to have been validly made under the provisions of this Ordinance until altered, repealed or modified by the new Council Constituted under this Ordinance:

Provided that any existing regulations to the extent that they are in conflict with the provisions of this Ordinance shall be deemed to have been repealed and shall not be enforceable.

(3) All officer or employees of the Council under the repealed Ordinance shall deemed to be employees of the Council on the same terms and conditions.

(4) All assets, rights, properties, cash etc, of the Council under the repealed Ordinance shall be deemed to be the assets, rights, properties, cash etc., of the Council.

(5) All liabilities of the Council under the repealed Ordinance shall be

deemed to be the liabilities of the Council.

(6) All registration, recognition etc., granted by the Council under the repealed Ordinance shall be deemed to be the registration, recognition granted by Council.

FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE
FOURTH SCHEDULE
FIFTH SCHEDULE
SIXTH SCHEDULE

DR. ARIF ALVI,
President.

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JUSTICE (R)
ABDUL SHAKOOR PARACHA,
Secretary.