

[AS PASSED BY THE SENATE]

A

Bill

further to amend the Medical and Dental Council Ordinance, 1962

WHEREAS, it is expedient further to amend the Medical and Dental Council Ordinance, 1962 (XXXII of 1962), for the purposes hereinafter appearing;

It is hereby enacted as under:-

1. Short title and commencement. - (1) This Act may be called the Medical and Dental Council (Amendment) Act, 2012.

(2) It shall come into force at once.

2. Amendment of section 1, Ordinance XXXII of 1962. – In the Medical and Dental Council Ordinance, 1962 (XXXII of 1962), hereinafter referred to as the said Ordinance, in section 1, in sub-section (1), after the word “the”, the word “Pakistan” shall be inserted.

3. Substitution of section 2, Ordinance XXXII of 1962.-In the said Ordinance, for section 2, the following shall be substituted, namely:-

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

- (a) "approved hospital or institution" means a hospital or an institution included in the Sixth Schedule;
- (b) "Council" means the Pakistan Medical and Dental Council constituted under this Ordinance;
- (c) “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;
- (d) "committee" means any committee constituted under this Ordinance and includes Executive Committee constituted under section 10;
- (e) "continuous professional development opportunity provider" means an organization providing continuous professional development opportunities and included in the Seventh Schedule;
- (f) "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;
- (g) "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 prerequisite for full registration under section 23;
- (h) "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;
- (i) "medicine" means modern scientific medicine and includes surgery and other disciplines, but does not includes veterinary medicine and surgery;
- (j) "Pakistan university" means any university established under a Pakistan law and having a constituent medical or dental college or both;

- (k) "President" means President of the Council ;
- (l) "prescribed" means prescribed by regulations;
- (m) "recognized medical qualification" means any basic medical qualifications included in the First Schedule;
- (n) "recognized dental qualification" means any basic dental qualification included in the Fifth Schedule;
- (o) "recognized additional medical or dental qualification" means any additional medical or dental qualification included in the Third Schedule;
- (p) "Register" means the Register of medical practitioners maintained under section 23 or the Register of dental practitioners maintained under section 26;
- (q) "registered medical practitioner" means a medical practitioner whose name is included in the register maintained under section 23;
- (r) "registered dental practitioner " means a dental practitioner whose name is included in the register maintained under section 26;
- (s) "regulation" means a regulation made under section 33;
- (t) "registerable qualifications" mean medical or dental qualifications recognized under sections 11,15, 16, 18 and 19; and
- (u) "specialists boards" mean recognized specialist boards included in the Eighth Schedule.”.

4. Substitution of section 3, Ordinance XXXII of 1962. – In the said Ordinance, for section 3 the following shall be substituted, namely:-

“3.Constitution and composition of the Council. - (1) The Federal Government shall, by notification in the official Gazette, cause to be constituted a Council consisting of the following members, namely:-

- (a) one member each from the Senate and the National Assembly to be nominated by the Chairman or, as the case may be, the Speaker from amongst the members of the respective House;
- (b) Secretary, Health Department of each Province;
- (c) one member each to be elected by the members of the Syndicate of each public sector Pakistan university from amongst the members of its medical faculty and dental faculty of all its constituent as well as affiliated colleges from each Province, Gilgit-Baltistan, FATA and Islamabad Capital Territory;
- (d) one member each to be elected by the members of the Syndicate of each private sector Pakistan university from amongst the members of its medical faculty and the dental faculty of all its constituent as well as affiliated colleges from each Province, Gilgit-Baltistan, FATA and Islamabad Capital Territory;
- (e) one member from each Province, Gilgit-Baltistan, FATA and Islamabad Capital Territory to be elected amongst themselves by the registered medical practitioners;
- (f) four members to be nominated by the Federal Government of whom one shall be Surgeon General of the Armed Forces Medical Services;
- (g) one member to be elected from amongst themselves by the registered dentists from each Province, Gilgit-Baltistan, FATA and Islamabad Capital Territory;
- (h) one member to be elected from amongst the Professors of the teaching staff of the public sector medical colleges from each Province, Gilgit-Baltistan, FATA and Islamabad Capital Territory;

- (i) one member to be elected from amongst the Professors of the teaching staff of private sector medical colleges from each Province, Gilgit-Baltistan, FATA and Islamabad Capital Territory;
- (j) one member to be elected from amongst the Professors of the teaching staff of public sector dental colleges from each Province, Gilgit-Baltistan, FATA and Islamabad Capital Territory;
- (k) one member to be elected from amongst the Professors of the teaching staff of private sector dental colleges from each Province, Gilgit-Baltistan, FATA and Islamabad Capital Territory;
- (l) one member to be elected by the Council of the College of Physicians and Surgeons;
- (m) one member, belonging to the legal profession, to be nominated by the Chief Justice of Pakistan;
- (n) senior most officer looking after health matters at the Federal level or an authority looking after the affairs of Council at Federal level designated or notified by the Federal Government, as the case may be; and
- (o) immediate ex-President of the Council who shall be a member of Council for one non-renewable term of three years provided that he/she will not hold office.

(2) The President of the Council shall be elected by the members of Council from amongst themselves.

(3) 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.

(4) The President shall be the head of the office of the Council and shall be the competent authority for all employees of the Council.”.

5. Substitution of section 4, Ordinance XXXII of 1962. - In the said Ordinance, for section 4 the following shall be substituted, namely:-

“4.Mode of election.-(1) An election under clauses (c), (d), (e), (g), (h), (i), (j), (k) and (l) of sub-section (1) of section 3 shall be conducted by the Council as may be prescribed.

(2) Where any dispute arises regarding any election to the Council it shall be referred to the Federal Government whose decision thereon shall be final.”.

6. Substitution of section 5, Ordinance XXXII of 1962. - In the said Ordinance, for section 5 the following shall be substituted, namely:-

“5. Restrictions on nominations and elections.-(1) No person shall be eligible for nomination or election, except under clauses (b) and (m) of sub-section (1) of section 3, unless he is a registered medical practitioner or a registered dentist, as the case may be.

(2) No person shall be eligible for nomination or election under clauses (e) and (g) of sub-section (1) of section 3 unless he resides in the Province concerned.

(3) No person shall be eligible for election under clauses (h), (i), (j), (k) and (l) of sub-section (1) of section 3 unless he has had at least four years teaching experience, certified by the Council, as a Professor in the faculty of a medical or dental college, as the case may be.

(4) No person shall be eligible for election under clauses (c) and (d) of sub-section (1) of section 3 unless he has had at least four years teaching experience, certified by the Council, as a Professor, Associate Professor, Assistant Professor, Lecturer etc., in the faculty of a medical or dental college, as the case may be.

(5) No person shall at one and the same time serve as a member under more than one clauses of sub-section (1) of section 3.”.

7. Amendment of section 6, Ordinance XXXII of 1962. - In the said Ordinance, in section 6, after the full stop, at the end, the following shall be added, namely:-

“The Council shall be a regulatory body for regulating medical and dental profession, medical and dental education and institutions.”.

8. Substitution of section 7, Ordinance XXXII of 1962. - In the said Ordinance, for section 7 the following shall be substituted, namely:-

“7. Terms of office. - (1) The President of the Council shall hold office for a term not exceeding four years and not extending beyond the expiry of his term as member of the Council.

(2) Subject to the provisions of sub-sections (4) and (6), a member shall hold office for a term of four years from the date of his nomination or election or until his successor has been duly nominated or elected, whichever is earlier.

(3) If a member fails to attend three consecutive meetings of the Council or remains out of Pakistan for a continuous period exceeding one year or, in the case of an elected member, ceases to represent his electoral college, he shall cease to be the member of the Council. A person shall thereupon be nominated or, as the case may be, elected to fill the vacancy:

Provided that a member nominated by the Federal Government shall hold office only during pleasure of the Federal Government. If a nominated member is being considered for cancellation of membership while his term remains, he shall be given a notice to show cause and an opportunity of personal hearing by the Federal Government before a final order is passed. The Federal Government nominees shall not be eligible for the post of President.

(4) The case of a member of the Council, other than the member nominated under clauses (a), (b) and (o) of sub-section (1) of section 3, shall be forwarded to the Federal Government for decision of maintaining his membership or otherwise in the following circumstances, namely:-

- (a) if the Council decides by a 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 section 31; or
- (c) he becomes insane or is declared an insolvent by a competent court; or

(d) convicted for a criminal offense which implies moral turpitude, including unprofessional and infamous conduct as provided under section 31.

(5) Other than the member nominated under clauses (a), (b), (m) and (o) of sub-section (1) of section 3, the Council may, only by a majority decision, suspend the membership of a member if he falls under sub-section (4) till a decision by the Federal Government about maintenance of his membership or otherwise.

(6) Where the said term of four 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 said term expires, but shall not assume office until the expiry of the said term.

(7) An elected 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 election or nomination, as the case may be, and the person elected or nominated to fill the vacancy shall hold office for the full term of five years.”.

9. Amendment of section 8, Ordinance XXXII of 1962. - In the said Ordinance, in section 8,-

(a) in sub-section (1), for the words “appointed by the Council” the words “decided by the President” shall be substituted; and

(b) in sub-section (2), for the word “nine” the words “one-third” shall be substituted.

10. Amendment of section 9, Ordinance XXXII of 1962. - In the said Ordinance, in section 9, in sub-section (1), for clauses (c), (d), (e), and (f) the following shall be substituted, namely:-

- "(c) appoint a Registrar, a Secretary and a Treasurer to carry out the purposes of this Ordinance;
- (d) appoint, employ or nominate such other advisers to the President, officers, officials and servants on regular basis or contract as the Council deems necessary to carry out the purposes of this Ordinance;
- (e) require the Treasurer to take from the Registrar, Secretary, advisers to the President, officers, officials and servants, such security for the due performance of their duties as the Council deems necessary; and
- (f) fix the remuneration and allowances to be paid to the President, Vice-President, members, officers and servants of the Council employed under this section.”.

11. Substitution of section 10, Ordinance XXXII of 1962. - In the said Ordinance, for section 10 the following shall be substituted, namely:-

“10. Executive Committee.- (1) The Executive Committee shall consist of nine members, of whom seven shall be elected by the Council from amongst its members and of which at least one shall be a dental practitioner and one from the post graduate institutions. The President shall have the power to co-opt a maximum of two additional members to the Committee.

(2) The President, Vice-President of the Council shall be *ex-officio* members of the Executive Committee, and shall be its President and Vice- President respectively.

(3) In addition to the power and duties conferred and imposed upon it by this Ordinance, the Executive Committee shall exercise and discharge such powers and duties as the Council may confer upon it by regulations and shall have the power and responsibility to take decisions of administrative and financial nature for the smooth functioning and working of the Council.”.

12. Substitution of section 11, Ordinance XXXII of 1962. - In the said Ordinance, for section 11 the following shall be substituted, namely:-

“11. Recognition of medical institutions and qualifications granted by them in Pakistan.- (1) The Federal Government may grant recognition to any medical institution in Pakistan which trains or grants or both trains and grants medical qualifications and the qualifications granted by them. All such recognized medical institutions or qualifications shall be included in the First Schedule by the Federal Government by notification in the official Gazette.

(2) If any medical institution in Pakistan intends to get recognition of the institution which trains or grants or both trains and grants medical qualifications or qualification granted by it in pursuance of sub-section (1) it shall apply to the Federal Government for the same.

(3) The Federal Government shall transmit the application to the Council after being satisfied that application is complete and is in accordance with the prescribed procedure. The Council shall form recommendations for the Federal Government after assessing the institution and the qualification as per prescribed procedure. Upon receiving recommendations from the Council, the Federal Government shall grant recognition as provided under sub-section (1).

(4) The notification for the grant of recognition may also direct that an entry shall be made in the last column of the First Schedule against such institution and medical qualification granted by it, declaring that it shall be a recognized medical institution or qualification only when granted after the date of notification.”.

13. Insertion of new section 11A, Ordinance XXXII of 1962.- In the said Ordinance, after section 11, the following new section shall be inserted, namely:-

“11A. Recognition of hospitals or institutions for house job or internship or foundation year training.- (1) The Federal Government may grant recognition to any hospitals or institutions in Pakistan which train for house job or internship or foundation year. All such recognized hospitals or institutions shall be included in the Sixth Schedule by the Federal Government by notification in the official Gazette.

(2) If any hospital and institution in Pakistan intends to get recognition of the institution which trains for house job, internship or foundation year in pursuance of sub-section (1), it shall apply to the Federal Government for the same.

(3) The Federal Government shall transmit the application to the Council after being satisfied that application is complete and is in accordance with the prescribed procedure. The Council shall form recommendations for the Federal Government after assessing the institution as per prescribed procedure. Upon receiving recommendations from the Council, the Federal Government shall grant recognition as provided under sub-section (1).

(4) The notification for the grant of recognition may also direct that an entry shall be made in the last column of the Sixth Schedule against such hospital or institution, declaring that it shall be a recognized hospital or institution only when granted after the date of notification.”.

14. Omission of section 12, Ordinance XXXII of 1962.- In the said Ordinance, section 12 shall be omitted.

15. Substitution of section 13, Ordinance XXXII of 1962. - In the said Ordinance, for section 13 the following shall be substituted, namely:-

“**13. Arrangements for schemes with foreign countries.**- At any time, the Council may enter into negotiations with the appropriate authority in any foreign country or organization, for the settling of a scheme for improvement of medical education in Pakistan or postgraduate degrees or any matter or prospect related to the medical or dental profession.”.

16. Omission of section 14, Ordinance XXXII of 1962.- In the said Ordinance, section 14 shall be omitted.

17. Substitution of section 15, Ordinance XXXII of 1962. - In the said Ordinance, for section 15 the following shall be substituted, namely:-

“15. Power of the Council to certify certain persons to be possessed of sufficient medical qualification.— (1) If, after an examination by a board constituted by the Council, the Council is satisfied that a person holding a qualification granted by a medical institution outside Pakistan, is possessed of sufficient knowledge and skill to be registered as a practitioner for the purpose of this Ordinance, it may recommend to the Federal Government to issue a notification in favour 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) The Council shall register the qualification granted by a medical institution outside Pakistan, possessed by the person by maintaining a separate list in the register.”.

18. Substitution of section 16, Ordinance XXXII of 1962. - In the said Ordinance, for section 16 the following shall be substituted, namely:-

“16. Additional medical or dental qualifications.— (1) The Federal Government may grant recognition to any post-graduate medical or dental institutions in or outside Pakistan which train or grant or both train and grant additional medical or dental qualifications and the qualifications granted by them. All such recognized additional medical or dental institutions or qualifications shall be included in the Third Schedule by the Federal Government by notification in the official Gazette.

(2) If any post-graduate medical and dental institution in or outside Pakistan intends to get recognition of the institution which trains or grants or both trains and grants additional medical and dental qualifications or qualification granted by it in pursuance of sub-section (1) it shall apply to the Federal Government for the same. If an institution wishes to only train for a recognized postgraduate qualifications in any specialty, it shall apply to the qualification awarding body and after consultation and approval of the Council, the institution shall be added in the Third Schedule.

(3) The Federal Government shall transmit the application to the Council after being satisfied that application is complete and is in accordance with the prescribed procedure. The Council in consultation with the examining body shall form recommendations for the Federal Government after assessing the institution and the qualification as per prescribed procedure. Upon receiving recommendations from the Council, the Federal Government shall grant recognition as provided under sub-section (1).

(4) The notification for the grant of recognition may also direct that an entry shall be made in the last column of the Third Schedule against such institution and additional medical and dental qualification granted by it, declaring that it shall be a recognized post-graduate medical and dental institution and additional medical and dental qualification only when granted after the date of notification.”.

19. Insertion of new sections 16A, 16B and 16C, Ordinance XXXII of 1962.-

In the said Ordinance, after section 16, the following new sections shall be inserted, namely:-

“16A. Recognition of foreign additional medical or dental qualifications.-

The Council shall evaluate any additional medical or dental qualifications granted by any foreign institution and may-

- (a) recommend to the Federal Government that such institution or qualification be-
 - (i) recognized and included in the Third Schedule as specified in section 16; or
 - (ii) notified only and shall not be included in the Third Schedule, however, a separate list thereof shall be maintained; or
- (b) proceed as per section 15 or 19, as the case may be.

16B. Recognition of continuous professional development opportunity providers.-

(1) The Federal Government may grant recognition to any organization in Pakistan, which provide opportunities of continuous professional development to the registered medical and dental practitioners. All such recognized organizations shall be included in the Seventh Schedule by the Federal Government by notification in the official Gazette.

(2) If any organization in Pakistan, which provides opportunities of continuous professional development to the registered medical and dental practitioners, intends to get recognition of the organization in pursuance of sub-section (1) it shall apply to the Federal Government for the same.

(3) The Federal Government shall transmit the application to the Council after being satisfied that application is complete and is in accordance with the prescribed procedure. The Council shall form recommendations for the Federal Government after assessing the institution and the qualification as per prescribed procedure. Upon receiving recommendations from the Council, the Federal Government shall grant recognition as provided under sub-section (1), declaring that it shall be a recognized organization in Pakistan, which provides opportunities of continuous professional development to the registered medical and dental practitioners only when granted after the date of notification.

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

16C. Role of specialists boards.- (1) The Federal Government may grant recognition to specialists boards which shall help the council in maintenance of such minimum standards of proficiency in that particular specialty as may be prescribed by the Council. All recognized specialists boards shall be included in the Eighth Schedule by the Federal Government by notification in the official Gazette.

(2) The Council shall authorize a specialist board constituted as per prescribed procedures and shall form recommendations for the Federal Government. Upon receiving recommendations from the Council, the Federal Government shall grant recognition as provided under sub-section (1), declaring that it shall be a recognized specialists board only when granted after the date of notification.”.

20. Omission of section 17, Ordinance XXXII of 1962.- In the said Ordinance, section 17 shall be omitted.

21. Substitution of section 18, Ordinance XXXII of 1962. – In the said Ordinance, for section 18 the following shall be substituted, namely:-

“18. Recognition of dental institutions and qualifications granted by them in Pakistan.- (1) The Federal Government may grant recognition to any dental institutions in Pakistan which train or grant or both train and grant dental qualifications and the qualifications granted by them. All such recognized dental institutions or qualifications shall be included in the Fifth Schedule by the Federal Government by notification in the official Gazette.

(2) If any dental institution in Pakistan intends to get recognition of the institution which trains or grants or both trains and grants dental qualifications or qualification granted by it in pursuance of sub-section (1) it shall apply to the Federal Government for the same.

(3) The Federal Government shall transmit the application to the Council after being satisfied that application is complete and is in accordance with the prescribed procedure. The Council shall form recommendations for the Federal Government after assessing the institution and the qualification as per prescribed procedure. Upon receiving recommendations from the Council, the Federal Government shall grant recognition as provided under sub-section (1).

(4) The notification for the grant of recognition may also direct that an entry shall be made in the last column of the Fifth Schedule against such institution and dental qualification granted by it, declaring that it shall be a recognized dental institution and dental qualification only when granted after the date of notification.”.

22. Substitution of section 19, Ordinance XXXII of 1962. - In the said Ordinance, for section 19 the following shall be substituted, namely:-

“19. Power of the Council to certify certain persons to be possessed of sufficient dental qualification.- (1) If after an examination by a board constituted by the Council, the Council is satisfied that a person holding a qualification granted by a dental institution outside Pakistan, is possessed of sufficient knowledge and skill to be registered as a practitioner for the purpose of this Ordinance, it may recommend to the Federal Government to issue a notification in favour 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 Schedule of this Ordinance.

(2) The Council shall register the qualification granted by a dental institution outside Pakistan, possessed by the person by maintaining a separate list in the register.”.

23. Amendment of section 20, Ordinance XXXII of 1962. - In the said Ordinance, for section 20 the following shall be substituted, namely:-

“20. Power to acquire information as to courses of study and examination.- Every medical or dental institution or hospital or organization in Pakistan recognized under this Ordinance, which trains for or grants or both trains for and grants a medical or a dental qualification, additional medical or dental qualification, trains for house job or internship or foundation year or is a continuous professional development opportunity provider shall furnish such information as the Council may, from time to time, require about the facilities and faculty available in the institution, courses of study and processes of admission of the institution concerned, examinations required to be undergone prior to such qualifications being conferred and generally as to the requisites for obtaining such qualifications.”.

24. Substitution of section 21, Ordinance XXXII of 1962. - In the said Ordinance, for section 21 the following shall be substituted, namely:-

“21. Inspection.- (1) The Executive Committee shall approve a list of inspectors in the country and the President shall commission such number of medical or dental inspectors from the approved list, as it 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 the 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 about the facilities for training in the institution and shall not interfere with conduct of any examination and shall report to the Executive Committee 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 Executive Committee may require them to report.

(3) The Executive Committee shall forward a copy of any such report to the medical or dental institution concerned and shall also forward a copy, with the remarks of such medical or dental institution thereon, to the Council.”.

25. Substitution of section 22, Ordinance XXXII of 1962. - In the said Ordinance, for section 22 the following shall be substituted, namely:-

“22. Withdrawal of recognition.- (1) If a recognized institution is violating provisions of this Ordinance and regulations made thereunder or the facilities for training for the courses of study or standard of examination in the institution to obtain a recognized medical or dental qualification, additional medical or dental qualification, training for house job or internship or foundation year or in a continuous professional development Opportunity providers organization has deteriorated to an extent that the standard of proficiency required from candidates at any examination held for the purpose of granting such 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 may stop further intake of students in the institution and forward a summary of its findings and its intent to the medical or dental institution with an intimation of the period 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.

(2) If the Council is not satisfied with the explanation then it shall make a recommendation to the Federal Government for closure of the institution to which shall include a scheme for adjustment of students in other recognized institutions of the corresponding public or private sector, as the case may be.

(3) On recommendations of the Council, the Federal Government 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.”.

26. Insertion of new sections 22A and 22B, Ordinance XXXII of 1962.- In the said Ordinance, after section 22 the following new sections shall be inserted, namely:-

“22A. Establishment and running of medical and dental institutions without recognition.- No person shall run nor establish any institution for training or grant or both training or grant of medical or dental qualifications, additional medical or dental education, training for house job, internship or foundation year or an organization for continuous professional development opportunity neither shall any university grant affiliation to any such an institution nor any such institution shall award any degree unless recognition has been granted to such college or institution under this Ordinance.

22B. Penalty.- (1) Whoever runs or establishes or endorses any institution or advertises admissions in an institution for imparting education in medicine or dentistry, which is not recognized under sections 11,11A,16, 16A or 18 or in respect of which recognition has been withdrawn under section 22, 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 ten 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) 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 Ordinance, 1984 (XLVII of 1984), 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 and a society registered under the Societies Registration Act, 1860 (XXI of 1860) or under the Co-operative Societies Act, 1925 (VII of 1925).

(3) Where any contravention of this Act 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 alongwith the Government agency, local authority or local council and shall be liable to be proceeded against and punished accordingly.”.

27. Substitution of section 23, Ordinance XXXII of 1962. - In the said Ordinance, for section 23 the following shall be substituted, namely:-

“23. Maintenance of medical Register. -(1) The Council shall maintain a Register of medical practitioners possessing qualifications which are recognized medical or additional medical qualifications for the purposes of this Ordinance and may prescribe the necessary particulars to be entered in the Register. Holders of a recognized basic degree shall be registered on provisional basis for internship or foundation or house job of a minimum of one year duly assessed, hands on clinical rotation in an approved hospital or institution included in the Sixth Schedule which shall be mandatory for conversion of provisional registration into full registration.

(2) The practitioner shall deem to hold a valid registration and entitled to be known and eligible for privileges of a registered medical practitioner if his name is retained on the Register after fulfillment of requirements of continuation of registration as laid down by the Council from time to time and provided he had paid the dues of the Council. The valid registration certificate shall be the licence to practice medicine in Pakistan.”.

28. Omission of sections 24 and 25, Ordinance XXXII of 1962. - In the said Ordinance, sections 24 and 25 shall be omitted.

29. Substitution of section 26, Ordinance XXXII of 1962. - In the said Ordinance, for section 26 the following shall be substituted, namely:-

“26. Maintenance of Register of dental practitioners.- (1) The Council shall maintain a Register of dental practitioners possessing qualifications which are recognized dental or additional dental qualifications for the purposes of this Ordinance and may prescribe that the necessary particulars to be entered in the Register. Holders of a recognized basic degree shall be registered on provisional basis for internship or foundation or house job of a minimum of one year duly assessed, hands on clinical rotation in an approved hospital or institution included in the Sixth Schedule which shall be mandatory for conversion of provisional registration into full registration.

(2) The practitioner shall deem to hold valid registration and entitled to be known and eligible for privileges of a registered dental practitioner if his name is retained on the Register after fulfillment of requirements of continuation of registration as laid down by the Council from time to time and provided he had paid the dues of the Council. The valid registration certificate shall be the licence to practice dentistry in Pakistan.”.

30. Amendment of section 27, Ordinance XXXII of 1962. - In the said Ordinance, in section 27, for the words, comma and figure “Evidence Act, 1872” the expression, “Qanun-e-Shahdat, 1984 (P.O. No. 10 of 1984)” shall be substituted.

31. Amendment of section 28, Ordinance XXXII of 1962. - In the said Ordinance, for section 28 the following shall be substituted, namely:-

“28. Penalty for fraudulent representation or registration.- Whoever falsely pretends to be registered under this Ordinance as a medical practitioner or dentist and uses with his name or title any 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 pretence or representation or not, shall, on conviction before a Magistrate of the first class, be punishable with fine which may extend to one hundred thousand rupees or with imprisonment for a term which may extend to six months or with both. Any person found aiding and abetting him shall also be prosecuted and punished.”.

32. Insertion of new sections 28A and 28B, Ordinance XXXII of 1962.- In the said Ordinance, after section 28 the following new sections shall be inserted, namely:-

“28A. Penalty of practicing without registration.- (1) No person, other than a registered medical or dental practitioner, shall practice medicine or dentistry.

(2) Any person who acts in contravention of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years but shall be not less than six months or with fine which may extend to two hundred thousand rupees but shall not be less than one hundred thousand rupees or with both.

28B. Cognizance of offences.-(1) No court shall take cognizance of any offence or matter under this Ordinance except upon complaint in writing made by the authorized officer of the Council.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any Magistrate of the first class to pass any sentence authorized by this Ordinance even if such sentence exceeds his powers under section 32 of the said Code.”.

33. Substitution of section 29, Ordinance XXXII of 1962. - In the said Ordinance, for section 29 the following shall be substituted, namely:-

“29. Privileges of registered medical practitioners and dentists.-

(1) A registered medical practitioner and dentist shall have following privileges, namely:-

(a) valid registration shall be considered as a licence to practice medicine and dentistry in Pakistan and of a level mentioned by the Council in the registration certificate;

(b) a registered medical practitioner or a registered dentist having valid full registration shall be competent to practice medicine or dentistry and prescribe allopathic medicine and perform any surgical or interventional procedure on any patient;

- (c) a registered medical practitioner or a registered dentist having valid full registration may take admission for an additional qualification course;
- (d) 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;
- (e) to hold a commission as a medical or dental officer in the Armed Forces; and
- (f) only a registered practitioner having valid registration is eligible to participate in the elections of the member of the Council.

(2) Notwithstanding anything to the contrary contained in any other law for the time being in force, no medical certificate or prescription or 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 or surgical advice or attendance or for the performance of any operation or intervention or for any medicine prescribed or supplied unless he can prove upon the trial that he is a registered medical or dental practitioner having valid registration.”.

34. Substitution of section 30, Ordinance XXXII of 1962. - In the said Ordinance, for section 30 the following shall be substituted, namely:-

“30. Responsibilities of registered medical or dental practitioner.- (1) Every registered medical or dental practitioner shall notify any transfer of the place of his residence or practice to the Registrar within sixty days of such transfer, failing which his name is liable to be struck off the Register by order of the Federal Government either permanently or for such period as may be specified therein.

(2) No registered person shall use or publish in any way whatsoever any time, title, description or symbol indicating or calculated 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 which is recognized under this Ordinance.

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

35. Substitution of section 31, Ordinance XXXII of 1962. - In the said Ordinance, for section 31 the following shall be substituted, namely:-

“31. Removal of names from the Register.- (1) The Council, in its discretion, may direct the Registrar to remove altogether or for a specified period from the Register the name of any registered medical practitioner or registered dentist who has been convicted by the disciplinary committee or by any other court of law of any such offence as implies in the opinion of the Council a defect of character defined in the code of ethics of practice or who, after an inquiry at which opportunity has been given to such person to be heard in person or through a pleader, has been convicted by the disciplinary committee of the Council as guilty of professional negligence or incompetence or who has shown himself to be unfit to continue in practice or on account of mental ill health or other grounds as prescribed in the code of ethics of practice regulations.

(2) The Council may also direct that any name removed from the Register under sub-section (1) shall be restored.

(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 with the help of law enforcing authorities.

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

36. Omission of section 32, Ordinance XXXII of 1962. - In the said Ordinance section 32 shall be omitted.

37. Amendment of section 33, Ordinance XXXII of 1962. - In the said Ordinance, in section 33,-

“(a) in sub-section (1), for clauses (e), (f), (g), (h) and (i) the following shall be substituted, namely:-

(e) code of practice and ethics for the medical and dental practitioners;

(f) the appointment, powers, duties and procedures 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 sub-offices or branches for this purpose;
 - (h) the procedure for any inquiry under sub-section (1) of section 31; and
 - (i) any matter for which under this Ordinance provision may be made by regulations.”;
- (b) in sub-section (2), for clauses (f), (g), (h), (i) and (j) the following shall be substituted, namely: -
- “(f) 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;
 - (g) registration of medical or dental students at any medical or dental college or school or any university and the fees payable in respect of such registration;
 - (h) laying down criteria including regulations for university affiliation conditions and requirements for recognition and continuation of recognition and for grant of status of a teaching institution of institutions and organizations under this Ordinance and on all connected matters of inspection of medical and dental institutions for recognition and continuation of recognition and inspection of examinations in these institutions and fee for such inspections;
 - (i) terms and conditions of service for all employees appointed under section 9;
 - (j) election of members of the Council; and
 - (k) prescribing a uniform minimum standard for continuous professional development for registered graduate and post-graduate medical and dental practitioners.”.

38. Substitution of section 35, Ordinance XXXII of 1962. - In the said Ordinance, for section 35 the following shall be substituted, namely:-

“35. Commission of inquiry.- (1) Whenever it is made to appear to the Federal Government that the Council is not complying with any provisions of this Ordinance, the Federal Government 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 Government, including the chairman being at least a judge of a High Court, and one member nominated by the Council after a resolution.

(2) Such commission shall proceed to inquire in a summary manner and to report to the Federal Government 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 Federal Government shall forward the report of the commission of inquiry to the Council for implementation and for remedial actions. The Council shall submit to the Federal Government 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 Federal Government 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 Federal Government a report of actions taken thereon. If the Council fails to comply with the remedial measures forwarded to it by the Federal Government, the Federal Government 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).”.

39. Insertion of new sections 36A and 36B, Ordinance XXXII of 1962.- In the said Ordinance after section 36, following new sections shall be inserted, namely:-

“36A. Over-riding provision.- The provisions of this Ordinance shall have effect 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.

36B. Transitory provision.- Upon the commencement of the Medical and Dental Council (Amendment) Act, 2012, the incumbent Council constituted under section 3 shall stand dissolved and the President, Vice-president of the Council and Executive Committee of the Council as exists before the aforesaid Act shall stay intact till a new President, Vice-president of the Council, Executive Committee is elected by the Council. The President, Vice-president of the Council and Executive Committee of the Council shall have the powers of the Council and shall conduct elections for membership of the Council within one year.”.

40. Omission of Second and Fourth Schedule, Ordinance XXXII of 1962.- In the said Ordinance, the Second and Fourth Schedule shall be omitted.

41. Insertion of new Schedules, Ordinance XXXII of 1962.- In the said Ordinance, after Fifth Schedule, the following new Schedules shall be inserted, namely:-

“THE SIXTH SCHEDULE
(see section 11A)

APPROVED HOSPITALS OR INSTITUTIONS

S. No.	Approved Hospitals or Institutions	Specialties/Department
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THE SEVENTH SCHEDULE
(see section 16B)

**CONTINUOUS PROFESSIONAL DEVELOPMENT OPPORTUNITY PROVIDERS
IN PAKISTAN**

S. No.	CPD Opportunity Provider
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THE EIGHTH SCHEDULE
(see section 16C)

SPECIALIST BOARDS

S. No.	Specialist Boards	Specialties/Department.”.
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STATEMENT OF OBJECTS AND REASONS

The PMDC Ordinance of 1962 is in need of being updated as much progress has been made in the field of medical practice and education since 1962. An updated Ordinance was promulgated by the President some years ago, but being not ratified by the Parliament the amendments failed to hold any validity.

2. The original Ordinance is not equipped to satisfactorily handle the numerous private medical colleges that have been set up in recent years. It is vital to amend the 1962 PMDC Ordinance to enable the Pakistan Medical and Dental Council to ensure the quality of medical education in the country.

Dr. Donya Aziz,
Member, National Assembly
Member-in-Charge