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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

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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 (1).

(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 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.

