

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

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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 amended as follows:

1. **Short title and commencement.**- (1) This Act may be called the Medical and Dental Council (Amendment) Act, 2009.

(2) It shall come into force at once.

2. **Amendment of section 2, Ordinance XXXII of 1962.**- In the Medical and Dental Council Ordinance, 1962, (XXXII of 1962), hereinafter referred to as the said Ordinance, in section 2,-

- (i) After clause (a), the following new clause shall be inserted, namely:-
“(aa)” Committees “means a Committee and includes Executive Committee constituted under clause (b) of section 9;”;
- (ii) After clause (f), the following new clauses shall be inserted, namely:-
“(ff)” “prescribed” means prescribed by regulation;
“(fff)” “President” means President of the Council;”;
- (iii) In clause (m), the word “and” occurring at the end shall be omitted and thereafter the following new clause shall be inserted, namely:-
“(mm)” “Registrar” means Registrar of the Council, appointed under clause (c) of section 9 and who may also act as Secretary or Treasurer, or both;”;
- (iv) In clause “(n)”, for full stop, semi-colon and word; “and” shall be substituted; and thereafter, the following new clause “(o)” shall be added, namely:-
“(o)” “Vice-President” means Vice President of the Council.”.

3. **Amendment of section 3, Ordinance XXXII of 1962.**- In the said Ordinance, in section 3, in sub-section (1) for the existing clauses (b), (c), (d), (e), (f), (g), and (h) the following shall be substituted, namely:-

- “(b) One member from each province to be nominated by a provincial government
- (c) One member to be elected by the syndicates of all public and private sector universities
- (d) One member, to be elected from amongst themselves by the registered medical practitioners, from each province, for federal areas, graduates will be counted with those of NWFP and Punjab.
- (e) Two members, to be elected from amongst themselves by registered dental practitioners
- (f) Four members to be nominated by the Federal government, of whom at least one shall be member of the Armed Forces Medical Service
- (g) One member each, to be elected from the members of academic Councils of Postgraduate Medical and Dental Institutions in public and private sector
- (h) One member to be elected from amongst the teaching staff of the public sector medical colleges from each province, for federal area, the faculty will form part of Punjab.
- (i) One member to be elected from amongst the teaching staff of private sector medical colleges from each province, for federal area, the faculty will form part of Punjab.

- (j) Two members to be elected from amongst the teaching staff of public sector dental colleges
- (k) Two members, to be elected, from amongst the teaching staff of private sector dental colleges
- (l) One member, belonging to legal profession to be nominated by the Chief Justice of Pakistan;
- (m) The Director General of Health, Government of Pakistan; and
- (n) One member from Higher Education Commission.”

4. **Amendment of section 4, Ordinance XXXII of 1962**. - In the said Ordinance, in section 4, in sub-section (1), for the brackets, letters, commas and word “(b), (c), (e) or (f)” the brackets, letters, commas and word “(c), (d), (e) or (g), (h), (i), (j), and (k)” shall be substituted.

5. **Amendment of section 5, Ordinance XXXII of 1962**. - In the said Ordinance, in section 5, -

- (a) in sub-section (1), for the brackets, letters and word “(d) or (f)” the brackets, letters, commas and word “(c), (f), (g), (h), (i), (j), and (k)” shall be substituted;
- (b) in sub-section (2), for the brackets and letter “(c) the brackets and letter “(d)” shall be substituted; and
- (c) in sub-section (3), for the brackets, letters and word “(b) or (f)” the brackets, letters, commas and word “(c), (g), (h), (i), (j) or (k)” shall be substituted.

6. **Amendment of section 7, Ordinance XXXII of 1962**. - In the said Ordinance, in section 7, in sub-section (2) for the brackets and figure “(6)” the brackets and figure “(5)” shall be substituted.

7. **Amendment of section 9, Ordinance XXXII of 1962**. - In the said Ordinance, in section 9, in sub-section (1), in clause (b), between the words “Committee” and “for”, a comma and the words “,as may be prescribed, “shall be inserted.

8. **Amendments of section 10 Ordinance XXXII of 1962**. - In the said Ordinance, in section 10, -

- (i) for the existing sub-section (2) the following shall be substituted, namely:-
“(2) The President, Vice-President, Secretary of the Council and Director General Health, Ministry of Health shall be members, ex-officio, of the Executive Committee, and shall be President, Vice-President and Secretary, respectively, of the Committee.”

9. **Insertion of new section 20A**:- In the said Ordinance, after section 20, the following new section shall be inserted, namely:-

- “20A;- Every Institution, intending to establish a medical or dental college, shall apply for an inspection of the Council prior to advertisement, calling application for admission therein, for First year, and shall obtained No objection Certificate from the Council which will be issued after examination the complete feasibility report and inspection of the medical or dental college by the inspector and approval of the Council.”

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

- “22A. **Recognition of medical and dentistry teaching institutions**. - (1) No person shall run or establish any college or institution for imparting education in medicine or dentistry, and neither shall any

university grant affiliation to any such college or institution nor any such college or institution shall award any certificate unless recognition has been granted to such college or institution under this Ordinance.

- (2) Any person desirous to run or establish a college or institution for imparting education in medicine or dentistry shall apply for recognition under this Ordinance and no college or institution shall be recognized unless it fulfills the condition prescribed by the regulations.
- (3) An application under sub-section (2) shall be addressed to the Council and shall be accompanied by the fee and shall contain such information as may be prescribed by the regulations.
- (4) The Council may, considering the application for recognition call for such further information as it may consider necessary and also direct a local inquiry to be made by any person authorized by it in that behalf.
- (5) After considering the information furnished with the application and the report of local inquiry, if any, and after making such further inquiry as may, from time to time, appear to it to be necessary to Council shall forward the application to the Federal government along with its recommendations which may, be order grant or refuse to grant recognition or grant the recognition subject to such terms and conditions, if any as may be specified in the order.

22B. Withdrawal of recognition;- (1) Subject to sub-section (2) if the Federal Government, on the basis of any report made by the Council or such other information as may have reached it, is satisfied that a college or institution which has been recognized does not fulfill the prescribed conditions or has ceased to fulfill any such condition or has not fulfilled the condition subject to which recognition was granted, it may withdraw the recognition.

- (2) No order under sub-section (1) shall be made unless the person running the college or institution has been provided an opportunity of being heard.

22C. Penalty (1) Whoever runs or establishes any college or institution for imparting education in medicine or dentistry which is not recognized under section 22A or in respect of which recognition has been withdrawn under section 22B, shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to five years but will not be less than a year, or with fine which may extend to ten million rupees but shall not be less than five million, or with both.

- (2) Where the person found guilty of an offense, referred to in sub-section (1), is an association or organization or officer responsible for the conduct of its affairs shall, unless he proves that the offense was committed without his knowledge or that he exercised all diligence to prevent its commission, be deemed to be guilty of the offense.”

11. **Amendment of section 27, Ordinance XXXII of 1962**.- In the said Ordinance, in section 27.-

- (i) for the word, comma and figure “Evidence Act, 1872” the words, comma and figure “Qanun-e-Shahdat, 1984” shall be substituted: and
- (ii) In the margin, for the figures and word “I of 1872” the letters, word and figure “P.O. 10 of 1984” shall be substituted.

12. **Amendment of section 28, Ordinance XXXII of 1962**.- In the said Ordinance, in section 28,-

- (a) In sub-section (i),-
 - (i) For the words “five hundred” the words “one hundred thousand” shall be substituted; and
 - (ii) For the words “three months” the words “two years” shall be substituted; and

(b) In sub-section (2),-

- (i) For the words “five hundred” the word “one hundred thousand” shall be substituted; and
- (ii) For the words “three months” the words “two years” shall be substituted.

13. **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. Punishment of practicing without registration.**- (1) No person, other than a registered medical/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 thousand rupees, or with both.

28B. Cognizance of offenses.- (1) No court shall take cognizance of any offense under this Ordinance except upon complaint in writing made by the Secretary of the Council or any other officer authorized by him in this behalf by notification in the official Gazette.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898),-

- (a) it shall be lawful for any Magistrate of first class to pass any sentence authorized by this Ordinance even if such sentence exceeds his powers under section 32 of the said Code; and
- (b) an offense under this Ordinance shall, with the permission of court, be compoundable.”

14. **Amendment of section 30, Ordinance XXXII of 1962.**- In the said Ordinance, in section 30, after sub-section (2), the following new sub-section shall be added, namely:-

“(3) Every registered medical practitioner or registered dental Practitioners shall obey the Code of Ethics framed by the Council failing that his registration shall be withdrawn.”

15. **Amendment of section 31, Ordinance XXXII of 1962.**- In the said Ordinance, in section 31, in sub-section (3),-

- (i) For the words, comma and figure “Evidence Act, 1872” the words, comma and figure “Qanun-e-Shahadat, 1984” shall be substituted; and
- (ii) In the margin, for the figures and word “I of 1872” the letters, figures and word “P.O. 10 of 1984” shall be substituted.

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

(a) In sub-section (1) after clause (g) the following new clause shall be inserted, namely:-

“(gg) the fee for application under section 22A,” and

(a) In sub-section (2), after clause (g), the following new clauses shall be added, namely:-

- “(h) Regulations to prescribe Code of Medical Ethics;
- (i) Information to be furnished alongwith the application under section 22A;
- (j) Prescribing the conditions and requirement for granting recognition under section 22A;

- (k) Prescribing number of student to be enrolled in medical & dental institutions.;
- (l) Prescribing maximum fee structure to be charged from a medical/dental student.
- (m) Prescribing the regulations for Continued Professional Development (CPD).
- (n) Prescribing the regulations for licensing of medical/dental practitioners; and
- (o) Prescribing evaluation /equivalence of the basic as well as postgraduate medical/dental qualifications.'

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 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.

SD/-
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