

[AS PASSED BY THE NATIONAL ASSEMBLY]

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BILL

further to amend the Pakistan Medical and Dental Council Ordinance, 1962.

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

It is enacted as follows:-

1. **Short title and commencement.** – (1) This Act may be called the Pakistan Medical and Dental Council (Amendment) Act, 2016.

(2) It shall come into force at once and shall be deemed to have taken effect on the 28th day of August, 2015.

2. **Substitution of section 3, Ordinance XXXII of 1962.** – In the Pakistan Medical and Dental Council Ordinance, 1962 (XXXII of 1962), hereinafter referred to as “the 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, constitute 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 shall be *ex-officio* member or the respective Health Departments may nominate the next senior officer of the Health Department of each Province, to represent it;

- (c) Director - General Health of the controlling Ministry as *ex-officio* member;
- (d) Surgeon General of the Armed Forces Medical Services as *ex-officio* member;
- (e) four members to be nominated by the Federal Government;
- (f) one member, belonging to the legal profession, to be nominated by the Chief Justice of Pakistan;
- (g) two members from the field of social service and philanthropy, with particular reference to patient welfare, to be nominated by the Federal Government having international standing and good repute with experience of at least fifteen years in the field;
- (h) one member each from every Province to be elected from amongst themselves by the faculties of all public sector Pakistan Universities including their constituent and affiliated colleges;
- (i) one member each from every province to be elected from amongst themselves by the faculties of all private sector Pakistan Universities including their constituent and affiliated colleges ;
- (j) one member from each Province, Federally Administered Tribal Areas (FATA) and Islamabad Capital Territory, to be elected amongst themselves by the registered medical practitioners; and
- (k) one member from each Province, Federally Administered Tribal Areas (FATA) and Islamabad Capital Territory, to be elected amongst themselves by the registered dental practitioners.

(2) The Federal Government, after notification of the members of Council, shall call the first meeting for the purpose of electing the Executive Committee, President and Vice-President. No member shall assume office as member of the Council till he signs a declaration of no conflict of interest. At least two third of the total membership of the Council should be in attendance in this meeting.

(3) All office holders and executive committee members elected by the Council shall be notified by the Federal Government in the official Gazette.

(4) 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 after the Council has been constituted by a notification in the official Gazette by the Federal Government.

(5) The President shall be the head of the Council and shall be the competent authority for all employees of the Council and the aggrieved employees may file a representation against the decision of the President, to the Secretary of the controlling Ministry of the Council.”.

3. Insertion of new section 3A, Ordinance XXXII of 1962.- In the Ordinance, the following new section shall be inserted, namely:-

“3A. Conflict of Interest.- (1) A member of the Council shall be responsible to disclose any conflict of interest as and when arises and shall also file a declaration for non-conflict of interest annually.

(2) The Federal Government may cancel basic membership of any member of the Council if he is found, on inquiry to have conflict of interest.”

4. Insertion of new section 3B, Ordinance XXXII of 1962.- In the Ordinance, the following new section shall be inserted, namely:-

“3B. Policy issues relating to the affairs of the Council.- The Federal Government shall time to time make policy directions to the Council and in the discharge of its function, the Council shall be guided on questions of policy given to it. And whether the directions are in the matter of policy or otherwise, the decision of Federal Government shall be final.”

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

“4. Mode of election.— (1) All the elections under the Ordinance shall be conducted by the Election Committee, to be constituted by the Federal Government, having three members including the nominee of the Chief Justice of Pakistan who shall also be the Chairman of the Election

Committee. All the elections under the Ordinance shall be held and conducted in the manner as may be prescribed, from time to time.

(2) All disputes relating to any elections under the Ordinance shall be initially decided by the majority decision of the Election Committee. Any person, if aggrieved by the order so passed, shall submit his complaint before the Federal Government which shall decide the complaint within ten working days and this decision shall be final.”

6. Substitution of section 5, Ordinance XXXII of 1962. – In the 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), (f) and (g) 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 election under clauses (h) and (i) of sub-section (1) of section 3 unless he is actively teaching as assistant, associate or full professor.

(3) No person shall be eligible for election under clauses (j) and (k) of sub-section (1) of section 3 unless he has had at least ten years of standing in the medical or dental practice, as the case may be, after the completion of house job.

(4) No person shall be eligible to be member under more than one clause of sub-section (1) of section 3, during the tenure of the Council.

(5) The Federal Government shall not consider any person for its nomination seats who may have filed his papers to contest election under any clause of sub-section (1) of section 3.

(6) No person shall be considered for nomination under any clause who has been a member of the Council in any capacity whatsoever, during the last five years.

(7) For the purposes of making nominations under clause (e) of sub-section (1) of section 3, the Federal Government shall ensure that all such nominees are of good standing in their respective fields of practice, with post graduate qualification from a recognized University.

(8) No person, shall be eligible to become a member of the Council if he himself, his spouse or children has any conflict of interest as owner or having any financial interest in a medical or dental institution.

(9) For the purpose of clauses (h) and (i) of section 3, the private sector faculties to vote only for private sector member and public sector faculties to vote only for public sector member irrespective of their affiliation with Pakistan Universities.”.

7. **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 six shall be elected by the Council from amongst its members and of which at least one shall be a dental practitioner.

(2) The Director General Health, President and Vice-President of the Council shall be members of the Executive Committee.”.

8. **Substitution of section 33, Ordinance XXXII of 1962.** – (1) In the Ordinance, for section 33, the following shall be substituted, namely: -

“33. Power to make Regulations.- (1) The Council may, with the previous sanction of the Federal Government, 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, its 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;