

[Published in the Gazette of Pakistan, Extraordinary,
Part-I, dated the 21st October, 2019]

ORDINANCE NO.XIV OF 2019

AN

ORDINANCE

*to provide for the setting up of special judicial tribunal
to efficiently and expeditiously hear and decide disputes
arising out of matters pertaining to the medical and
health sectors*

WHEREAS it is expedient to provide for the setting up for a special judicial tribunal to efficiently and expeditiously hear and decide disputes arising out of matter pertaining to the actions of authorities formed to regulate different areas of the medical sector in Pakistan and to provide cost effective adjudication of such disputes;

AND WHEREAS the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan 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 of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.**—(1) This Ordinance shall be called the Medical Tribunal Ordinance, 2019.

(2) It shall come into force at once.

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

(a) “**Bench**” means bench as constituted by the Chairman of the Medical Tribunal;

(b) “**Chairman**” means Chairman of the Medical Tribunal;

(c) “**members**” means members of the Medical Tribunal;

(d) “**prescribed**” means prescribed by this Ordinance, rules or regulations under this Ordinance, as the case may be;

(e) “**Registrar**” means the registrar of the Medical Tribunal and includes any other person authorized by the Tribunal to perform the functions of the Registrar under this Ordinance;

(f) “**regulations**” means regulations made under this Ordinance;

(g) “**rules**” means rules made under this Ordinance;

(h) “**Schedule**” means Schedule to this Ordinance and rules; and

(i) “**Tribunal**” means Medical Tribunal established under this Ordinance.

3. **Cognizance of offences.**—(1) No court shall take cognizance in any matter to which jurisdiction of the Tribunal extends.

(2) Any person or entity aggrieved by an act which is an offence under any law for the time being in force triable by the Tribunal or by an order or act

which is appealable before the Tribunal may institute a complaint or claim or appeal as the case may be before the Tribunal.

(3) The Tribunal may also initiate appropriate proceeding on dependable information against any individual or institution after issuing notice against an act or omission which falls within the jurisdiction of the Tribunal.

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

(2) The Tribunal shall consist of a Chairman who has been a judge of a High Court to be appointed by the Prime Minister of Pakistan upon nomination by the Chief Justice of Pakistan.

(3) In addition to the Chairman, the Tribunal shall consist of at least four members and the Federal Government may increase the number of members as required.

(4) The Members of the Tribunal shall be appointed by the Prime Minister of Pakistan in consultation with the Chairman of the Tribunal, of which half shall be jurists who have been judges of High Court and half shall be technical members with suitable professional qualifications and experience, in the medical fields.

(5) The powers and functions of the Tribunal may be exercised or performed by Benches as constituted by the Chairman of the Tribunal.

(6) 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.

(7) If the members of the 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.

(8) The 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.

(9) The Tribunal may hold its sittings at such places within its territorial jurisdiction as the Chairman may decide.

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

(11) The terms and conditions of service of the Chairman and members of the Tribunal shall be such as may be prescribed by rules and Schedule.

5. **Tenure of office.**—The Chairman and members of the Tribunal shall hold office for a period of three years which may be extended by the Federal Government for another term subject to consent of the Chief Justice of Pakistan to the extended term of the Chairman and the consent of the Chairman to the extended term of a member.

6. **Jurisdiction and powers of Medical Tribunal.**—(1) All offences provided for under the Pakistan Nursing Council Act 1973 (XXVI of 1973), Pakistan Health Research Council Act, 2016 (XII of 2016), The Unani, Ayurvedic and Homeopathic Practitioners Act 1965 (II of 1965), the Pharmacy Act, 1967 (XI of 1967), the Pakistan Medical and Dental Ordinance, 1962 (XXXII of 1962), the Pakistan Medical Commission Ordinance, 2019 (--- of 2019) or any other law as may be notified by the Federal Government, shall be triable by the Tribunal.

(2) All appeals against decisions, orders and acts of the relevant apex authorities or councils formed pursuant to the Pakistan Medical and Dental Ordinance 1962 (XXXII of 1962), Pakistan Medical Commission Ordinance, 2019 (---- of 2019), the Pakistan Nursing Council Act 1973 (XXVI of 1973), Pakistan Health Research Council Act, 2016 (XII of 2016) and The Unani, Ayurvedic and Homeopathic Practitioners Act, 1965 (II of 1965), the Pharmacy Act, 1967 (XI of 1967) or any other law as may be notified under sub-section (1) shall be heard and decided by the Tribunal.

(3) All claims or complaints arising out of acts or obligations pursuant to the Pakistan Medical and Dental Ordinance 1962 (XXXII of 1962), Pakistan Medical Commission Ordinance, 2019 (----of 2019), the Pakistan Nursing Council Act, 1973 (XXVI of 1973), Pakistan Health Research Council Act, 2016 (XII of 2016) or The Unani, Ayurvedic and Homeopathic Practitioners Act, 1965 (II of 1965), the Pharmacy Act, 1967 (XI of 1967) or any other law as may be notified under sub-section (1), where the original jurisdiction is not vested in the relevant apex authorities or councils formed thereunder shall be heard and decided by the Tribunal.

(4) All cases in which the offender is sentenced to a fine, whether with or without imprisonment, it shall be competent for the Tribunal to direct that in default of payment of the fine the offender shall be punishable with 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.

(5) The term for which the 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 penalty prescribed for the offence in the relevant statute or rules or regulations framed thereunder.