

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

*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;

It is hereby enacted as follows:-

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

(2) It shall come into force at once.

**2. Definitions.**— In this Act, 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 Act, rules or regulations under this Act, 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 Act;
- (f) **“regulations”** means regulations made under this Act;
- (g) **“rules”** means rules made under this Act;
- (h) **“Schedule”** means Schedule to this Act and rules; and
- (i) **“Tribunal”** means Medical Tribunal established under this Act.

**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 Act.

(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