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THE PAKISTAN MEDICAL COMMISSION ACT, 2020

ACT NO. XXXII OF 2020

[22nd September, 2020]

An act to provide for the regulation and control of the medical profession and to establish a uniform minimum standard of basic and higher 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 and higher medical education and training and recognition of qualifications in medicine and dentistry;

It is hereby enacted as follows:—

1. Short title, extent and commencement—(1) This Act shall be called the Pakistan Medical Commission Act, 2020.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or

context,—

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“Authority” means the National Medical Authority established under this Act;

“Board” means the National Medical and Dental Academic Board constituted under this Act;

“Chairman” means the Chairman of the Board appointed under section 10(3);

“Commission” means the Pakistan Medical Commission established under section 3;

“Commission of inquiry” means the Commission formed under section 42;

“Council” means the Medical and Dental Council constituted under this Act;

“disciplinary committee” means the disciplinary committee constituted under this Act;

“Division” means the Division to which business of this Act stands allocated;

“full licence” means a permanent licence to practice granted under this Act, subject to continuing validity of the licence under this Act and applicable rules

and regulations;

(x) "Higher Education Commission" means the Higher Education Commission established under the Higher Education Commission Ordinance, 2002 (LIII of 2002);

(xi) "medical and dental institution" means an entity which imparts medical or dental education or training or provides healthcare services including hospitals and diagnostic services but excluding private medical or health clinics of a medical or dental practitioner;

(xii) "medical and dental colleges admissions tests" or "MDCAT" means the medical and dental colleges admissions test;

(xiii) "national equivalence board examination" or "NEB" means the national equivalence board examination;

(xiv) "national licensing examination" or "NLE" means national licensing examination as defined in section 20;

(xv) "President" means the President of the Council;

(xvi) "provisional licence" means a licence granted to enable training and education prior to grant a full licence and subsequent to having qualified the national licensing examination;

(xvii) "regulations" means regulations made under this Act;

(xviii) "rules" means rules made under this Act;

(xix) "temporary licence" means a licence granted for a fixed period of time for a specific purpose provided for under this Act;

(xx) "Tribunal" means the Medical Tribunal as constituted pursuant to the Medical Tribunal Act, 2020; and

(xxi) "Vice-President" means the Vice-President of the Council.

(2) Subject to the context, the word "medical" occurring hereafter shall include the term "medical and dental".

3. Constitution of the Commission.- (1) Upon the commencement of this Act, the Federal Government shall establish in accordance with the provisions of this Act the Pakistan Medical Commission.

(2) The Commission shall be a body corporate by the name of the Pakistan Medical Commission having perpetual succession and a common seal, with power, subject to the provision of this Act, 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 Commission shall be at Islamabad and it may establish its offices at any other place as it may deem necessary.

(4) The Pakistan Medical Commission shall consist of—

- (a)
- (b)
- (c)

the Medical and Dental Council;

the National Medical and Dental Academic Board; and

the National Medical Authority consisting of members as provided for under section 15.

4. Composition of the Council.—(1) The Council shall comprise the following members to be notified after approval by the Prime Minister of Pakistan in the official Gazette, namely: -

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three members of civil society who shall be nominated by the Prime Minister of Pakistan consisting of a nationally recognized philanthropist or person of known repute, a legal professional and a chartered accountant;

three members being licensed medical practitioners with at least fifteen years experience of outstanding merit and not being the vice-chancellor, dean, principal or administrator or owner or shareholders of a medical or dental university, college or hospital, nominated by the Prime Minister;

one member being a licensed dentist with at least fifteen years experience of outstanding merit and not being the vice-chancellor, dean, principal, administrator or owner or shareholder of a medical or dental university, college or hospital, nominated by the Prime Minister of Pakistan;

one member being the Surgeon General of the armed forces medical service or his nominee; and

the Secretary of the Division.

(2) After the notification of the members of the Council, the Division shall forthwith and not later than fifteen days of the issuance of notification, call the first meeting of the newly constituted Council. A minimum of seven members of the Council shall constitute a quorum for the purposes of the meeting of the Council.

(3) The President and Vice-President of the Council shall be appointed from amongst the members of the Council by the Federal Government.

(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 six 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. Restrictions on nominations.—No person, his spouse or children shall be eligible to become a member of the Council if they 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.

6. Terms of office.—(1) The term of a member nominated to the Council shall be three years unless earlier withdrawn by the nominating or appointing authority. No member of the Council shall serve for more than two terms.

(2) The President and Vice-President of the Council shall hold office either for a term not exceeding three years or till completion of their term as member of the Council whichever is earlier:

Provided that the Federal Government can remove the President and Vice-President of the Council at its discretion.

(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) Where the said term of three years is about to expire in respect of any member, their successor may be nominated or elected at any time within three months before the expiry of said term, but the successor shall not assume office until the expiry of the said term.

(5) An 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.

(6) A vacancy in the Council shall be filled through the prescribed process of nomination under section 4 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.

7. 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. A notice of the meeting shall be issued at least fourteen days prior to the meeting with the exception of an emergency meeting which may be called by a unanimous decision of the President and Vice-President of the Council for reasons to be recorded in writing on a minimum three days prior notice.

(2) A minimum of six 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.

8. Powers and functions of the Council.—(1) The Council shall have the functions and powers of general supervision over the working of the Commission and shall hold the President and Vice-President of the Council, National Medical and Dental Academic Board, the National Medical Authority, committees and other authorities accountable for all its functions. The Council shall have

all powers not expressly vested in any other authority or officer by any other law where such powers not expressly mentioned in this Act are necessary for the performance of its functions.

(2) Without prejudice to the generality of the foregoing powers and notwithstanding anything contained in any other law for the time being in force, the Council shall have the following functions and powers, namely:—

- (a)
- (b)
- (c)
- (d)
- (f)
- (g)
- (h)

to appoint the members, officers and employees of the Commission on such terms and conditions as the Council deems necessary to carry out the purposes of this Act and to provide for all matters relating to welfare, terms and conditions of service of the members, officers and employees of the Commission in accordance with regulations framed by the Council and including the right, to institute a compulsory golden handshake scheme subject to approval of the Federal Government, or such other severance package for the employees of the Commission, as it may deem proper;

to approve the proposed annual plan of work including key performance indicators, the annual and revised budgets, the annual report and the annual statement of accounts;

to approve strategic plans and approve financial resource development plans of the Commission;

to approve accreditation standards, for under-graduate medical and dental programs of study based in Pakistan;

to approve curriculum and scope of under-graduate medical and dental programs of study in Pakistan leading to general registration of the graduates of those programs to practice medicine and dentistry in Pakistan;

to frame regulations for conduct of admissions in medical and dental colleges and examinations to be conducted by the Commission and approve the examination structure and standards of the medical and dental colleges admissions test, national licensing examination and the national equivalence board examinations as proposed by the national medical and dental academic board including the standards of revalidation of licences to practice medicine or dentistry in Pakistan;

to grant recognition to medical and dental institutions in Pakistan which train or grant or both train and grant medical and dental post graduate qualifications and to the qualifications granted by these institutions leading to registration of the graduates of those programs to practice medicine in Pakistan as specialists;

to approve the assessment of international under-graduate medical programs and institutions for registration of their graduates in Pakistan;

to approve the assessment of authorities or institutions in other countries that

conduct examinations for post graduate registration in medicine and dentistry or that accredit post graduate programs of study relevant to registration in medicine

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and dentistry;

to approve listing for any new medical and dental specialties;

to hear and decide complaints against licensees of professional negligence and misconduct in accordance with regulations prescribed by the Council;

to provide non-binding advise to the Federal Government and the Provincial Governments and the Parliament when sought on proposals for granting a charter by the Parliament to award post graduate degrees in the field of medicine and dentistry, both in public and private sector;

to advise the Federal Government and the Provincial Governments, health-care commissions, regulatory bodies in the field of medicine and dentistry and any other authority or local body on matters within the powers of the Commission under this Act and ancillary and incidental thereto;

to work with international health, accreditation and testing authorities and agencies to bring about improvement in the furtherance of these objectives;

to determine the remuneration and allowances to be paid to the members of the Authority;

to fix the salaries, remuneration and benefits of the officers and employees of the Commission;

to constitute from amongst its members or outside experts such committees as the Council deems necessary to carry out the purposes and functions of the Commission;

to levy fees for grant, renewal or re-validation of licences, examinations, registrations, inspections, permissions, processes and any and all other ancillary services as may be performed by the Commission in accordance with regulations prescribed by the Council subject to being in consonance with the purposes of providing the operational cost and long term financial sustenance and strength of

the Commission in accordance with the financial and development plans approved by the Council;

to determine in addition to penalties already provided for under this Act the quantum of penalties in respect of any violation or offence pursuant to this Act or as may be provided for in accordance with regulations prescribed by the Council subject to the quantum being a fair compensation for the wrong caused and a deterrent to future violations of similar nature by any person;

to do all such matters as are ancillary including issuance of policies or framing of regulations, convenient for or which foster or promote the advancement of matters that are the subject of these objectives and this Act; and

to hear appeals against any order, act or decision of the Authority or the National

Medical and Dental Academic Board.

(3) The Council may, of its own motion or otherwise, call for and examine the record of any proceedings in which an order has been passed by any officer, committee or authority of the Commission for the purpose of satisfying itself as to the correctness, legality or propriety of any finding or order and may pass such orders as it may deem fit:

Provided that no such order shall be passed unless the person to be affected thereby is afforded an opportunity of being heard.

9. Principal officers—(1) The following shall be the principal officers of the Council, namely:-

- (a) the President; and
- (b) the Vice-President.

(2) The President shall be the head of the Council and chair its meetings. In his absence, the Vice-President shall chair the Council meeting and perform the functions of the President for that meeting.

(3) The President, or the Vice-President in his absence or as and when delegated by him, shall be the signing authorities on behalf of the Council.

10. Composition of National Medical and Dental Academic Board.—

(1) The Board shall comprise the following members to be notified after approval by the Prime Minister of Pakistan in the official Gazette, namely:—

- (a) the Chairman Higher Education Commission or his nominee;
- (b) the President of the College of Physicians and Surgeons of Pakistan;
- (c) one vice-chancellor or dean of a public medical university nominated by each Provincial Government from amongst the universities located in the respective province;
- (d) one vice-chancellor or dean of the medical faculty of a private university or college nominated by each Provincial Government from amongst the universities located in the respective province;
- (e) vice-chancellor or dean of a public medical university and the medical faculty of a private university or college nominated by the Federal Government from amongst the universities located in the Islamabad Capital Territory;
- (f) the principal of the Army Medical College;
- (g) three members of the clinical faculty of a public or private medical college with at least fifteen years experience as a licensed practitioner or ten years of

experience as faculty nominated by the Prime Minister of Pakistan;

(h) two members of the basic sciences faculty of a public or private medical college with at least fifteen years experience as a licensed practitioner or ten years of experience as faculty nominated by the Prime Minister of Pakistan; and

(i) | two dentists with at least fifteen years experience as a licenced practitioner or ten years of experience as dental faculty at a public or private dental college, nominated by the Prime Minister of Pakistan.

(2) After the notification of the members of the Board, the Council shall forthwith and not later than fifteen days from the issuance of notification call the first meeting of the newly constituted Board.

(3) The Chairman of the Board shall be appointed from amongst the members of the Board by the Federal Government.

(4) No act done by the Board shall be invalid on the ground merely of existence of any vacancy in or any defect in the constitution of the Board.

11. Term of office of Board members.—(1) The term of a Board member nominated to the Board shall be three years unless earlier withdrawn by the nominating or appointing authority for reasons to be disclosed to the member prior to such withdrawal. No member of the Board shall serve for more than two consecutive terms.

(2) If a member nominated to the Board under clauses (c), (d), (e), (g), (h) or (1) of sub-section (1) of section 10 fails to attend three consecutive meetings of the Board 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 Board and the nominating authority shall be required to nominate a new member in accordance with section 10.

(3) A member including the Chairman of the Board shall be removed by the Division if—

(a) his name has been removed from the register of practitioners as a result of inquiry under this Act; or

(b) he becomes insane or is declared un-discharged insolvent by a competent court; or

(c) he is convicted of a criminal offence involving moral turpitude, including un-professional and un-ethical conduct under this Act; or

(d) his nomination is withdrawn in accordance with sub-section (1).

(4) If the membership of a member is called in question on any of the reasons provided under sub-section (3) his membership shall be deemed suspended until the issuance of a notification of

removal by the Division under sub-section (1).

(5) Where the said term of three years is about to expire in respect of any member, his

successor may be nominated at any time within three months before the expiry of said term, but the successor shall not assume office until the expiry of the said term.

(6) A nominated member may, at any time, resign his membership by writing under his hand addressed to the President of the Council and the seat of such member shall be deemed to have fallen vacant from the date of acceptance of his resignation by the President.

(7) A vacancy in the Board shall be filled through the prescribed process of nomination under section 10, 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.

12. Meeting of the Board.—(1) The Board shall meet at least once in six months at the offices of the Commission on such date and at such time as may be decided by the Chairman. A notice of the meeting shall be issued at least fourteen days prior to the meeting.

(2) A meeting of the Board for a specific purpose may be called by the Council at a date and time to be determined by the President of the Council in consultation with the Chairman of the Board.

(3) A minimum of two-thirds of the members of the Board shall form a quorum and all of the acts of the Board shall be decided by a majority of the members present and voting.

13. Powers and functions of the Board.—(1) The Board shall have the following functions and powers, namely:-

(a) to formulate accreditation standards, for under-graduate medical and dental programs of study based in Pakistan and recommend to the Council for its approval;

(b) to formulate curriculum and scope of under-graduate medical and dental programs of study in Pakistan leading to general or specialist registration of the graduates of those programs to practice medicine and dentistry in Pakistan and recommend to the Council for its approval;

(c) to formulate the examination structure and standards for the MDCAT for approval of the Council;

(d) to formulate the examination structure and standards of the NLE for grant of provisional medical and dental practice licenses upon completion of under-graduate training and to set up and authorize a committee of not less than three persons to formulate the examination papers of NLE for approval of the Council;

(e) to formulate the examination structure and standards for the NEB examinations of different levels and to setup and authorize a committee of not less than three

persons to formulate the NEB examination papers for approval of the Council;

(f) to formulate and recommend to the Council for its approval the standards, scope

and structure of the licence re-validation standards (LRS) and to formulate the necessary procedures for re-validation of licences;

(g) to review and issue recommendations in respect of the academic standard of any foreign institution referred by the Council; and

(h) to recommend to the Council matters pertaining to policies for improvement of the quality of medical and dental practitioners and health-care in Pakistan.

14. Secretary of the Commission.—(1) The Council shall appoint through a transparent process on merit a Secretary of the Commission who shall act as the Secretary to the Council and the Board.

(2) The Secretary shall be appointed for a term of four years. No person shall be appointed as Secretary for more than two terms.

(3) The Secretary shall maintain all records of the Council and the Board including recording and issuing the minutes of all meetings of the Council and the Board in real time and as approved at the relevant meeting and shall under his signatures issue all notifications and decisions of the Council and the Board as and when necessary.

(4) The Secretary shall be the custodian of the common seal of the Commission.

(5) The Secretary shall cause all minutes of the meetings of the Council and the Board as approved, audited accounts of the Commission and all notifications and decisions of the Council and the Board to be displayed on the website of the Commission and communicated to the Authority.

15. Composition of the National Medical Authority.—(1) The National Medical Authority shall consist of the following members, namely:—

(a) Member Education and Evaluation;

(b) Member Examinations;

(c) Member Licensing;

(d) Member Information Technology;

(e) Member Finance;

(f) Member Legal; and

(g) Member Administration.

(2) The Council shall appoint the members through a transparent process on merit for a term of four years. No member shall be appointed for more than two terms as a member.

(3) The Federal Government on the recommendations of the Council shall from amongst the

members listed in clauses (a) to (c), of sub-section (1), appoint one member as the executive member who shall act as the executive and administrative head of the Authority to exercise such functions in accordance with regulations as may be made by the Council.

(4) The Federal Government on the recommendations of the Council may increase the number of members.

(5) The Council shall determine the role and responsibilities of each member and may modify, add or amend as necessary.

(6) A member of the Authority shall not have any direct or indirect financial interest in, or have business connection with any person, establishment, institution or organization which owns or operates a medical or dental institution or renders any service which is regulated by the Commission.

Explanation.—For the purpose of this sub-section, any involvement of the spouse or blood relation of any member of the Authority with any establishment, institution or organization shall be considered as a direct financial interest or connection of the member with such establishment, institution or organization.

(7) A member of the Authority may resign from his office by writing under his hand addressed to the President of the Council, or may be removed from his office if, on an inquiry by the Council, he is found unable to perform the functions of his office because of mental or physical disability or on account of misconduct, including corruption and dis-honesty or having been convicted of a criminal offence.

(8) All decisions of the Authority shall be taken by the concurrence of a majority of the members.

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

16. Functions and powers of the Authority.—(1) Subject to the approval of the Council, the Authority shall have the following functions and powers, namely:—

(a) to perform all functions and duties as prescribed in this Act or as prescribed or directed by the Council;

(b) to recommend the annual budget of the Commission to the Council for approval;

(c) to cause for an annual audit to be conducted of the Commission and presented to the Council for approval;

(d) to prepare and maintain the accounts of the Commission and ensure the funds of the Commission are expended on the purposes as approved by the Council;

(e) manage the assets, liabilities, receipts, expenditures, funds and investments of the Commission;

(f) to conduct all examinations provided for under this Act;

(g) to carry out assessments of any institution or organization in Pakistan or outside Pakistan for purposes of recognition of training or for grant of registration and issuance of licences to persons pursuant to qualifications issued by such institution or organization;

(h) to implement all decisions of the Council and the Board;

(i) to maintain a register of registered and licensed medical and dental practitioners in the prescribed manner and make the information publicly available;

G) to maintain a register of all institutions in Pakistan and outside Pakistan recognized by the Council for purposes of training or grant of post graduate qualifications; and

(k) maintain any other register or record for public consumption as may be directed by the Council.

(2) The Authority shall exercise all powers as shall enable it to effectively perform its functions.

17. Committees of the Council—The Council and the Board shall have the power to constitute necessary committees comprising of its members and such other persons as the Council and the Board deem proper for undertaking the functions of the Council or to advise and assist the Council and the Board in exercise of its powers.

18. Medical and dental colleges admissions tests (MDCAT).—(1) The Authority shall conduct annually on a date approved by the Council and as per standards approved by the Board a single admissions test which shall be a mandatory requirement for all students seeking admission to medical or dental under-graduate programs anywhere in Pakistan.

(2) No student shall be awarded a medical or dental degree in Pakistan who has not passed the MDCAT prior to obtaining admission in a medical or dental college in Pakistan:

Provided that such requirement shall be mandatory for all students who have been enrolled in medical or dental under-graduate programs in the year 2021 and thereafter.

(3) The admission to medical or dental programs conducted by public colleges shall be regulated as per the policy of the Provincial Governments strictly on merit and admission to a private college shall be in accordance with the criteria and requirements stipulated by the private college at least one year in advance of admissions including any additional entrance test as may be conducted by a private college subject to any conditions imposed by the relevant university to which such college is affiliated:

Provided that the marks obtained by a student in the MDCAT conducted by the Authority shall constitute a minimum of fifty percent of the weightage for the purposes of admission in the public colleges.

19. Standards of medical and dental education.—(1) All universities shall ensure that all medical and dental colleges at the time of seeking affiliation fulfill and thereafter consistently maintain the accreditation standards including the maximum students in each year permitted consequent to the accreditation standards, for under-graduate medical and dental programs of study based in Pakistan as formulated by the Board and approved by the Council:

Provided that every private medical and dental college seeking affiliation shall be a body corporate registered as a limited company under the Companies Act, 2017.

(2) All universities shall ensure that all affiliated or constituent colleges conduct programs of study for grant of under-graduate medical or dental degrees as per the curriculum and scope of under-graduate medical education prescribed by the Board and approved by the Council.

(3) All universities shall ensure that all affiliated or constituent colleges within thirty days of completing their admissions each year provide to the Authority particulars of the students enrolled and further provide any change in the status of the student during the students period of studies including discontinuation of studies or transfer to another college within fifteen days of such change occurring.

(4) All universities shall within ten days of students having successfully completed the program of study and passed their final examinations inform the Authority verifying the results to enable the student to be registered for taking the NLE.

(5) The standard and structure of faculty shall be regulated as prescribed by either the Higher Education Commission or the university to which a college is affiliated or any other law applicable to a public teaching institution subject to the minimum standards determined by the Board.

(6) Any violation by a medical or dental college shall be actionable by the accrediting university in accordance with regulations as may be prescribed by the Higher Education Commission.

(7) All medical and dental colleges shall, at least three months prior to initiating the annual admissions process, publicly declare the fixed tuition and all ancillary fee structure on an annual basis for the entire program of study in which the students are seeking enrollment and which fee structure shall not be enhanced during the students period of enrollment at the college. No medical or dental college shall seek, demand or receive from a student or a student's family, directly or indirectly, any donation or other payment prior to or at the time of admission or thereafter during the period of the students continuing enrollment at the college whether as consideration for grant of admission or otherwise.

(8) At the beginning of each year, an under-graduate medical or dental program of the medical and dental colleges shall submit their annual financial statements for the previous year and any other years required by the Commission, proposed fee structure and its justification to the Authority.

(9) The private medical and dental colleges may obtain affiliation with any university having a medical faculty, duly recognized by HEC subject to such university subject to its territorial jurisdiction.

20. National licensing examination (NLE).—(1) The Authority shall at least twice a year as

per schedule approved by the Council conduct the NLE. Passing the NLE shall be mandatory for obtaining a full licence. The NLE shall be substantially based on objective computer based multiple choice questions and a practical component if determined by the Council:

Provided that there shall be no limit on the number of times a person may attempt the NLE:

Provided further that Pakistan armed forces cadets who upon successful completion of their under-graduate degree program and pre-requisite military training are commissioned in the Pakistan armed forces shall be granted an armed forces provisional licence and shall qualify their NLE during service as regulated by the service head quarters prior to grant of full licence.

(2) A person, having obtained an under-graduate medical or dental qualification issued by a university in Pakistan or an under-graduate medical or dental qualification issued by a foreign institution duly recognized by the Commission, shall be granted a provisional licence to undertake his house job within fourteen days of verification of their qualification by the granting institution:

Provided that the person to whom a provisional licence is granted shall complete the mandatory requirement of passing the NLE at any time prior to issuance of full licence

(3) Any medical or dental practitioner who has obtained a licence to practice in any foreign country after having qualified from Pakistan or from a foreign institution recognized by the Commission and does not hold a postgraduate qualification recognized by the Council, shall be required to qualify the NLE for grant of a full licence to practice in Pakistan:

Provided that a medical or dental practitioner who has obtained a licence to practice in a foreign country or qualified from a foreign institution, not recognized by the Commission, but has acquired a postgraduate qualification in Pakistan or from a foreign institution recognized by the Council shall not be required to qualify the NLE and shall be granted a full licence to practice on the basis of the recognized postgraduate qualification.

21. National equivalence board examination.—(1) The Authority shall at least twice a year as per schedule approved by the Council conduct the NEB to assess and oversee the assessment of the knowledge, clinical skills and professional attributes of students who have partially completed a medical and dental program in a foreign institution and are seeking transfer to and admission in a medical or dental college in Pakistan. The NEB shall be substantially based on objective computer based multiple choice questions.

(2) Any student who has been enrolled in a medical or dental institution or college outside Pakistan and has completed more than two years of the program may seek transfer and admission to a medical or dental college in Pakistan subject to qualifying the relevant standard of the NEB for the prescribed period of each program of study pursuant to which the student shall be qualified to obtain admission in the immediately subsequent year.

(3) A student shall be required to take the NEB within twelve months of having left his program of study outside Pakistan in order to be eligible for admission to a medical or dental college in Pakistan.

22. Recognition of post graduate, additional or alternative qualifications.—(1) The Council may subject to assessment and recommendation by the Authority, approve and recognize a post graduate, additional or alternative qualification offered by an institution in Pakistan.

(2) The Council may where necessary seek professional advice or the opinion of the relevant faculty of the College of Physicians and Surgeons, or of a university, to assess a recommendation for approval of a post graduate, additional or alterative qualification.

23. Recognition of medical institutions for grant of post graduate, additional or alterative qualification (1) The Council shall recognize postgraduate medical and dental qualifications or diplomas given by the College of Physicians and Surgeons of Pakistan:

Provided that no honorary qualification or diploma declared to be honorary by the College of Physicians and Surgeons of Pakistan shall be recognized by the Commission.

(2) The Council may subject to assessment and recommendation by the Authority, grant recognition to a medical institution in Pakistan which trains or grants or both trains and grants recognized post graduate, additional or alterative qualifications for purposes of practice of medicine or dentistry.

(3) Any medical institution or medical university requesting recognition in pursuance of sub-section (2) may apply to the Commission in the prescribed manner.

(4) Upon receipt of application made in pursuance of sub-section (3), the Authority shall within a period of three months scrutinize the application and if satisfied that the application is in conformity with the prescribed procedure, shall recommend the same to the Council for its approval.

24. Recognition of foreign post graduate, additional or alternative medical or dental qualification (1) The Council may subject to assessment and recommendation by the Authority recognize any post graduate, additional or alternative medical or dental qualifications granted by a foreign institute.

(2) The Council may where necessary seek the opinion of the relevant faculty of the College of Physicians and Surgeons, or of a university, and in addition thereto the opinion of the foreign authority of the country where such foreign institution is located to assess a recommendation for approval of a post graduate, additional or alterative qualification.

(3) The Authority shall assess for purposes of recommendation any foreign qualification either on the application of a foreign institution or upon an application by a person having acquired a previously un-recognized qualification. The Authority shall conduct and complete its assessment within three months of an application being made.

25. Recognition of foreign institutions for under-graduate, post graduate, additional or alternative qualification.- (1) The Council may subject to assessment and recommendation by the Authority recognize any foreign institution which grants an under-graduate medical or dental qualification or a recognized foreign post graduate, additional or alterative qualification.

(2) The Authority shall assess for purposes of recommendation any foreign institution either on the application of such foreign institution or upon an application by a person having acquired a recognized qualification from a previously un-recognized foreign institution. The Authority shall conduct and complete its assessment within three months of an application being made.

26. Recognition of continuous professional development opportunity providers.—The Council on the recommendation of the Authority may grant recognition to any organization in Pakistan or outside Pakistan, which provides opportunities of continuous professional development to the registered medical and dental practitioners.

27. House job.—(1) Every person having obtained a provisional licence under sub-section (2) of section 20 shall be required to undergo and successfully complete a mandatory one year house job, internship or foundation year, by whatever name called, at an institution recognized by the Commission or an equivalent of a house job outside Pakistan as may be recognized by the Commission.

(2) Every medical or dental college in Pakistan shall be responsible to provide a paid house job, at its own affiliated teaching hospital to all of its graduates have acquired a provisional licence. Failure to provide a house job shall result in the medical or dental college reimbursing the stipend paid to the graduate by the training hospital where the graduate obtains house job training:

Provided that in the event the graduate opts voluntarily to pursue training in any other teaching hospital, their salary or stipend shall not be the responsibility of the medical or dental college of the graduate:

Provided further that the stipend or salary paid to house officers shall be determined by the Provincial Government or Federal Government as applicable for public colleges and private colleges shall pay a stipend or salary not being less than the amounts applicable to public colleges.

(3) A house job, internship or foundation year shall consist of full time and structured training as specified by the Board and approved by the Council.

(4) The teaching hospital shall issue on the conclusion of the house job a certificate confirming that the provisional licence holder has satisfactorily completed the mandatory house job modules for grant of full licence.

28. Recognition of hospitals or institutions for house job or internship or foundation year training.—(1) The Authority shall upon inspection and assessment recommend to the Council for grant of recognition to any hospitals or institutions in Pakistan which train for house job or internship or foundation year, as the case may be.

(2) Upon the grant of approval for recognition by the Council, the hospital or institution shall be entitled to train for house job or internship or foundation year after the date of notification of approval.

(3) The Council shall recognize any foreign teaching hospital or institution recognized by the regulatory authority of such country for purposes of imparting house job, internship, foundation year

or clinical training by whatever name called.

29. Licensing.—(1) The Authority shall grant a full licence to practice basic medicine or dentistry as a general practitioner to a person who subsequent to qualifying the NLE has completed his mandatory one year house job or foundation year or internship satisfactorily or has successfully completed a house job, internship or foundation year equivalent to a house job at a foreign teaching hospital or institution recognized under sub-section (3) of section 28.

(2) A general practitioner may treat all ordinarily recognized common medical or dental ailments and shall not practice in fields or specialties, as recognized by the Commission for which formal training is required subject to any restrictions prescribed by the Council. In life saving emergencies treatment may be provided until ordinarily recognized specialist services can be obtained or a safe referral can be ensured. No practitioner shall represent himself as a specialist or practice as a specialist, without having appropriate qualifications, recognized and duly registered by the Commission.

(3) The Authority shall cause for the registration of a recognized post graduate, alternative or additional qualification on the licence of a medical or dental practitioner where such qualification permits the medical or dental practitioner to represent and practice such speciality in consonance to such qualification.

(4) The Authority shall grant to a person licensed in a foreign country and in training in a foreign institution, a temporary licence for a fixed period of time to enable the person to take an elective training in a recognized institution in Pakistan which has accepted the person for training.

(5) The Authority shall grant to a person duly licensed in a foreign country a speciality recognized in the foreign country a temporary licence for a fixed period of time to enable the person to provide training or perform surgical or other procedures or teach in a recognized institution in Pakistan.

(6) The Authority shall cause for the registration and issuance of a licence under sub-sections (1), (3) and (4) to be completed within fourteen days of the applicant having submitted his application or reject the same for reasons to be stated.

(7) Every licensed practitioner shall be responsible to maintain his licence as valid and in good order. A practitioner shall not be permitted to practice in the absence of a valid licence issued by the Authority.

(8) No medical or dental practitioner shall be permitted to represent in Pakistan as having acquired or seek to practice a speciality unless the same is duly registered on his licence by the Authority.

(9) Every licensed medical or dental practitioner shall be required to revalidate his licence every five years in the manner and on terms determined by regulations prescribed by the Council.

(10) Every licensed practitioner shall be bound by the code of ethics promulgated by the Authority.

(11) Notwithstanding anything to the contrary contained in any other law for the time being in force, no medical certificate or prescription or medical or dental advice shall be considered valid unless obtained from a medical or dental practitioner having a valid provisional or full licence.

(12) No person shall be entitled to recover any charge in any court of law for any medical, dental or surgical advice or attendance or for the performance of any operation or intervention or for any medicine prescribed or supplied unless he is a registered medical or dental practitioner having valid registration with the Authority:

Provided that a person licensed under any other law to practice some other form of medicine may prescribe medicine permissible under such law commensurate with the scope of his qualifications and training.

(13) No registered licensee shall use or publish in any manner whatsoever any title, description or symbol indicating or intended to lead persons to infer that he possesses any additional or other professional qualification unless the same has been duly recognized and registered on his licence by the Commission.

30. Inspection.—(1) The Authority shall appoint inspectors in accordance with terms and qualifications prescribed by the Council to inspect facilities for training available at the medical or dental institutions for grant of recognition to provide house job, internship or foundation year training or post graduate training:

Provided that an institution recognized for training by the College of Physicians and Surgeons of Pakistan shall be provisionally recognized by the Council for purposes of post graduate training subject to verification of compliance with prescribed criteria in due course.

(2) Inspectors shall immediately upon completion of the inspection compile a comprehensive report on the prescribed format on the standard of the inspected facilities and on the courses of study and facilities for teaching provided by the medical or dental institution inspected and shall submit it to the Authority.

(3) The Authority shall forward a copy of such report to the medical or dental institution concerned for any response prior to placing the report along with its recommendation before the Council.

(4) The Authority may conduct inspections of recognized facilities on a periodical basis, provided that every institution shall be re-inspected at least once in every five years.

31. Withdrawal of recognition.—(1) Pursuant to an inspection, the Authority may recommend and the Council may approve the withdrawal on a temporary or permanent basis the recognition granted to an institution under sections 23, 25, 26 and 28 of the Act.

(2) The Council shall prior to approving the withdrawal of a recognition granted to the institution under sections 23, 25, 26 and 28 give an opportunity of being heard and responding to the report and recommendations of the Authority:

Provided that for purposes of protecting the rights of existing trainees or students the Council on the recommendation of the Authority may approve a scheme to place the trainees or students at other institutions where reasonable availability exists.

32. Disciplinary proceedings, suspension or cancellation of licence.— (1) The Council in compliance to directions of the Medical Tribunal or upon a finding pursuant to a disciplinary hearing or upon an inquiry and hearing conducted by the Authority or the Council itself, may temporarily suspend or permanently cancel the licence of a practitioner or impose such penalties as may be prescribed for having violated any obligation imposed upon the licensee or for medical or professional negligence or misconduct.

(2) The licence of a practitioner which has expired or who has not successfully re-validated within the time prescribed shall be deemed to have been suspended until such time as it is re-validated in the prescribed manner.

(3) The Commission shall on the complaint of any person or authority or of its own motion on information received, initiate disciplinary proceedings against any full licence holder or any recognized institution in respect of medical negligence, misconduct or violation of any obligation under this Act, or any rules or regulations or directions of the Commission other than offences provided for under sub-sections (1), (2), (3), (4) and (5) of section 34:

Provided that a show cause notice shall be issued within fifteen days of receipt of the complaint to the person stating the allegations and providing a period of at least thirty days to respond and a right to be heard before the disciplinary committee:

Provided further that the identity of the person filing a complaint shall be disclosed to the accused and any person found to have filed a false and frivolous complaint shall be required to pay the costs incurred by the accused and a further penalty being a fine to be determined by the disciplinary committee.

(4) The Council shall form a disciplinary committee consisting of three members of the Council of which one shall be the member having legal qualifications to hear all disciplinary matters. The member law shall act as secretary to the disciplinary committee.

(5) The Authority shall select at least one licensed practitioner as an expert with a minimum fifteen years standing in the speciality to which the complaint relates to assist the disciplinary committee at the hearing. The written opinion of the expert shall be appended with the decision of the disciplinary committee and shall form part of the record.

(6) The disciplinary committee shall hear and decide each complaint within ninety days of the issuance of the show cause notice. The disciplinary committee shall impose penalties as prescribed by regulations made by the Council specifying penalties commensurate with each category of offence.

(7) For the purpose of an inquiry or disciplinary hearing, the Council or a committee of the Council shall exercise all the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) for summoning the witnesses, for compelling the production of documents and for issuing commissions.

33. Registers to be public documents.—The record of all registrations undertaken and licences granted by the Commission shall be deemed to be public document within the meaning of the Qanun-e-Shahdat Order, 1984 (P.O. No. 10 of 1984).

(2) The Authority shall cause for the updated list of all duly recognized medical practitioners and dental practitioners to be published on its website available for public access.

34. Penalties —(1) Whoever in contravention of provisions of this Act operates or runs or establishes or endorses any institution or advertises admissions in an institution for imparting training and education in medicine or dentistry shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to five years but shall not be less than one year or with fine which may extend to fifty million Rupees but shall not be less than five million Rupees or with both and shall also be liable to closure of such institution.

(2) Whoever in contravention of provisions of this Act admits students for imparting education in medicine or dentistry or admits students over and above the allowed number, shall be guilty of an offence punishable with fine which shall not be less than the sum total of the tuition fee for the whole duration of study for each admitted or over admitted student and may also be liable to closure of such institution.

(3) Whoever falsely gets registered with the Authority as a registered medical or dental practitioner without possessing recognized medical or dental qualifications or attempts to get registered with the Authority as a registered medical or dental practitioner without possessing recognized medical or dental qualifications, shall be guilty of an offence of fraudulent registration, punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten million Rupees but shall not be less than five million Rupees or with both.

(4) Whoever falsely pretends to be registered under this Act as a medical practitioner or dentist and uses with his name any title or words or letters representing that he is so registered with the Authority or uses the word “doctor” or any other nomenclature or designation without legal basis, irrespective of whether any person is actually deceived by such pretence or representation or not, shall be guilty of an offence punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten million Rupees but shall not be less than one million Rupees or with both.

(5) Whoever aids or abets any person to falsely register with the Council as a registered medical practitioner without having recognized medical or dental qualifications shall be guilty of an offence punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten million Rupees but shall not be less than five million Rupees or with both.

(6) Whoever contravenes any other provision of this Act shall be guilty of an offence punishable with fine which may extend to ten million Rupees.

(7) In every case of offence, in which the offender is sentenced to a fine, whether with or without imprisonment, it shall be competent for the Medical Tribunal to direct that in default of payment of the fine the offender shall suffer 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.

(8) The term for which the Medical Tribunal directs the offender to the imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum term fixed for the offence.

(9) A penalty of imprisonment shall only be imposed by the Medical Tribunal.

(10) All offences under this Act shall be non-cognizable and triable by the Medical Tribunal.

(11) All penalties imposed by the disciplinary committee shall be paid to the Authority's account. All penalties imposed by the Medical Tribunal shall be deposited in equal amount with the Authority and the Medical Tribunal.

(12) The Authority may apply to the Medical Tribunal to recover an amount imposed as penalty and the Medical Tribunal shall direct the arrest and confinement of the defaulter until such time as the penalty is paid in full.

35. Offences by bodies corporate.—(1) Where any contravention of this Act has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance or, is attributed to any negligence on the part of, any director, partner, manager, secretary, trustee or other officer of the body corporate, such director, partner, manager, secretary, trustee or other officer of the body corporate, shall be deemed guilty of such contravention along with the body corporate and shall be punished accordingly:

Provided that in the case of a company as defined under the Companies Act, 2017 (XIX of 2017), only the chief executive shall be liable under this section.

Explanation.—For the purposes of this section, "body corporate or institution" includes a firm, association of persons, a society registered under the Societies Registration Act, 1860 (XXI of 1860) or under the Co-operative Societies Act, 1925 (VII of 1925) and a trust created under the Trust Act, 1882 (II of 1882).

(2) Where any contravention of this Act has been committed by any Government agency, local authority or local council and it appears from the relevant documents that such contravention has been committed with the consent or connivance of or is attributable to any negligence on the part of the head or any other officer of the Government agency, local authority or local council, such head or other officer shall also be deemed guilty of such contravention along with the Government agency, local authority or local council and shall be liable to be proceeded against and punished accordingly.

36. Cognizance of offences.—(1) No court shall take cognizance of any offence or matter under this Act to which the jurisdiction of the Medical Tribunal extends.

(2) Any person aggrieved by an act which is an offence under this Act may institute a complaint or claim before the Medical Tribunal.

37. Appeals to the Medical Tribunal.—(1) Any person including an employee of the Commission aggrieved by any order or direction of the Commission, including the Council. Authority or disciplinary committee, under any provision of this Act, or rules or regulations may prefer an appeal only before the Medical Tribunal within thirty days of the date of communication of the impugned order or direction.

(2) An appeal to the Medical Tribunal shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

38. The officers of Federal, Provincial and local Governments to assist Authority.—The officers of the Federal Government, Provincial Governments and local governments including the Islamabad Capital Territory police and the provincial police shall assist the Authority and its officers in the discharge of their functions under the provisions of this Act and the rules and regulations made thereunder.

39. Power to make rules.—The Division may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

40. Power to make regulations.—The Council may, by notification in the official Gazette, make regulations generally to carry out the purposes of this Act and, without prejudice to the generality

of this power, such regulations may provide for—

(a) the management of the property of the Council and the maintenance and audit of its accounts;

(b) the powers and duties of the President and Vice-President;

(c) the mode of appointment of committees, the summoning and holding of meetings and the conduct of business of such committees.

(d) enforcement of the different codes of general and specialized practice and ethics as framed by the relevant institutions and as may be applicable upon the medical and dental practitioners;

(e) terms and conditions of service for all employees of the Council;

(f) scope and structure of penalties commensurate with offences; and

(g) any matter for which under this Act provision may be made by regulations.

41. Information to be furnished by the Commission and publication thereof.—(1) The Commission shall furnish such reports, copies of its minutes, abstracts of its accounts and other information to the Division as it may require.

(2) The Division may publish, in such manner as it may think fit, any report, and copy, abstract or other information furnished to it under this section or under section 42.

42. Commission of inquiry.—(1) Whenever it appears to the Division that the Council is not

complying with any provisions of this Act, the Federal Minister- in-charge may refer the particulars of the complaint to a commission of inquiry consisting of three persons two of whom shall be appointed by the Federal Minister- in-charge, including the chairman being at least a person who has been judge of a High Court, and one member nominated by the Council by a resolution.

(2) Such commission shall proceed to inquire in a summary manner and to report to the Federal Minister-in-charge as to the truth of the matter charged in the complaint and in case of any charge of default or of improper action being found by the commission to have been established, the commission shall recommend the remedies, if any, which are in its opinion necessary. This process shall be completed within thirty days.

(3) The Division shall forward the report of the commission of inquiry to the Council for implementation and for remedial actions. The Council shall submit to the Division a detailed plan of remedial measures to be adopted by the Council which shall be considered as approved if no further orders are passed by the Division in this regard within three months. All remedial actions shall be taken by the Council within a stipulated period of six months and the Council shall submit to the Division a report of action taken thereon. If the Council fails to comply with the remedial measures forwarded to it by the Division, the Division may by itself amend the regulations of the Council or make such provisions or issue orders or take such other steps as may seem necessary to give effect to the recommendations of the commission.

(4) The commission of inquiry shall have power to administer oaths, to enforce the attendance of witnesses and the production of documents and shall have other necessary powers for the purpose of any inquiry conducted by it as are exercised by a civil court under the Code of Civil Procedure, 1908 (Act V of 1908).

43. Delegation.—The Council may, by general or special order, delegate to the President, Vice-President or committee of the Council, any of its powers or responsibilities under this Act subject to such conditions or limitations as may be prescribed by rules or as may be prescribed by regulations:

Provided that delegation of such power shall not include the power to grant, revoke or cancel recognition of a medical or dental institution or any of its financial powers including the power to approve the annual budget.

44. Officers etc. deemed to the public servants.—The members, officers, employees and other staff of the Authority shall be deemed to be the public servants within the meanings of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

45. Indemnity.—No suit, prosecution or other proceedings shall lie against the Federal Government, the Division, Council, Board, Authority, or any committee of the Council, President, Vice-President, Secretary or any member, officer or employee of the Authority in respect of anything done or intended to be done in good faith under this Act.

46. Act No. X of 2012 not to apply to the Commission.—The Industrial Relations Act, 2012 (X of 2012), shall not apply to or in relation to the Commission or any person in service of the Commission.

47. Over-riding provision.—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

48. Schedules and recognition of qualifications and institutions.— All Schedules as maintained and recorded under the repealed Pakistan Medical and Dental Council Ordinance, 1962 (Ordinance XXXII of 1962) shall be deemed to have merged into the record of the Commission as required to be maintained pursuant to this Act subject to the Council at their discretion re-assessing the entries therein pursuant to the criteria laid down under this Act.

49. Employees and officers of dissolved Pakistan Medical and Dental Council.—(1) Upon commencement of this Act all employees of the dissolved Pakistan Medical and Dental Council shall be deemed to be employees of the Commission, subject to clause (a) of sub-section (2) of section 8, and shall be subject to such terms and conditions of employment as may be determined by the Commission subsequent to the commencement of this Act and shall retain no right to any office, post, designation or terms of employment as were previously applicable to employees of the Pakistan Medical and Dental Council.

(2) Any amounts payable to or recoverable from the employees of Pakistan Medical and Dental Council as existing on the date of dissolution of Pakistan Medical and Dental Council or as determined thereafter by the Council shall be immediately paid or recovered by the Commission.

50. Repeal and savings.—(1) Subject to section 6 of the General Clauses Act, 1897 (X of 1897), the Pakistan Medical and Dental Council Ordinance, 1962 (XXXII of 1962) hereinafter referred to as the repealed Ordinance, shall stand repealed.

(2) Notwithstanding the repeal of the repealed Ordinance or anything contrary contained herein, all decisions taken, regulations made or amended and disciplinary actions taken by the Council of the dissolved Pakistan Medical and Dental Council pursuant to the repealed Ordinance and the Pakistan Medical and Dental Council Ordinance, 2019 (II of 2019) and by the Pakistan Medical Commission pursuant to the Pakistan Medical Commission Ordinance 2019 (XV of 2019) shall be deemed to have been validly made:

Provided that all regulations made and promulgated pursuant to the repealed Ordinance, or the Pakistan Medical and Dental Council Ordinance, 2019 (II of 2019) stand repealed and shall not be enforceable subject to sub-section (6):

Provided further that the Council shall have the exclusive power to review and modify any saved decision taken, regulation made or amended and disciplinary action taken.

(3) The dissolved Pakistan Medical and Dental Council as formed pursuant to the repealed Ordinance stands dissolved upon the commencement of this Act.

(4) All assets, rights, moveable and immoveable properties, records, cash, bank accounts, deposits etc., of the dissolved Pakistan Medical and Dental Council under the repealed Ordinance shall stand transferred to the Commission and shall be deemed to be the assets, rights, properties, records, cash, bank accounts, deposits etc., of the Commission.

(5) All assets, liabilities, payables and receivables of the dissolved Pakistan Medical and Dental Council under the repealed Ordinance shall be deemed to be the assets, liabilities, payables and receivables of the Commission.

(6) All registrations, recognitions etc., granted by the dissolved Pakistan Medical and Dental Council under the repealed Ordinance or the Pakistan Medical Commission under the Pakistan Medical Commission Ordinance, 2019 (XV of 2019) shall be deemed to be the registrations, recognitions granted by the Commission subject to not being in conflict with this Act and the provisions of this Act or the same being within the power of the Commission to recognize and register pursuant to this Act.

51. Transitory period.—(1) The Federal Government shall provide officers on deputation for a period not exceeding ninety days as may be requested by the Council to assist in the operations of the Commission until members, officers and necessary employees of the Commission are appointed.

(2) The Council may subsequent to its establishment appoint persons on a temporary short term contract for a period not exceeding ninety days to assist in the operations of the Commission.