

THE PAKISTAN COLLEGE OF PHYSICIANS AND SURGEONS  
ORDINANCE, 1962

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ORDINANCE NO. XX OF 1962

[19" May, 1962]

An Ordinance to establish a College of Physicians and Surgeons in Pakistan.

WHEREAS it is expedient to establish a College of Physicians and Surgeons in Pakistan for maintaining high principles of medical profession, promoting specialists medical practice, arranging post-graduate medical training, and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: —

1. Short title, extent and commencement.—(1) This Ordinance may be called the Pakistan College of Physicians and Surgeons Ordinance, 1962.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "College" means the Pakistan College of Physicians and Surgeons established under section 3;

(b) "Council" means the Council of the College constituted under section 6;

(c) "Fellow" means a Fellow of the College;

(d) "prescribed" means prescribed by rules made under section 19.

3. Establishment of the College.—(1) As soon as may be after the commencement of this Ordinance, there shall be established a College, to be called the Pakistan College of Physicians and Surgeons.

(2) The College shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and shall, by the said name, sue and be sued.

4. Fellows of the College.—The College shall consist of the following persons who shall be called the Fellows of the College, namely: —

(a) persons, who have post-graduate medical qualifications with experience in teaching, research or public health administration, or who have attained eminence in any branch of medical science or public health administration, to be appointed as Fellows by the '[Federal Government]' when the College is first established under section 3;

'Subs. by F.A.O., 1975, Art. 2 and Table.

(b) persons elected as Fellows under clause (g) of sub-section (2) of section 9; and

(c) persons who have passed the Fellowship examination and are admitted as Fellows by the Council.

5. Functions of the College.—The following shall be the functions of the College, namely: —

(1) to promote specialist practice of medicine, surgery, gynaecology and obstetrics and such other specialities by securing improvement of teaching and training in hospitals and hospital methods;

(2) to arrange post-graduate medical, surgical and other specialists training;

(3) to hold and conduct examinations for grant of diplomas and admission to the Fellowship of the College;

(4) to provide for research;

(5) to bring together the physicians, surgeons and other specialists of Pakistan periodically for scientific discussions and practical demonstrations of various subjects; and

(6) to do all acts and things as it may consider necessary to carry out the purposes of this Ordinance.

6. The Council.—(1) There shall be constituted a Council of the College consisting of twenty members elected, in the prescribed manner, by the Fellows from amongst themselves:

Provided that the first Council shall consist of twenty members appointed from amongst the Fellows as follows: —

(a) eight members appointed by the '[Federal Government]';

(b) six members appointed by the Government of East Pakistan; and

(c) six members appointed by the Government of West Pakistan.

(2) A member of the Council shall, subject to his continuance as a Fellow, hold office for a period of four years and shall be eligible for a re-election and in the case of the first members, for election.

(3) A casual vacancy in the office of the members of the Council shall be filled by appointment or election according as the member whose vacancy is being filled was appointed or elected and the person so appointed or elected shall hold office for the unexpired period of the term of his predecessor.

7. Election of Office-bearers.—(1) The members of the Council shall elect, in the prescribed manner, from amongst themselves a President, two Vice-Presidents and a Treasurer:

Provided that the first President shall be appointed by the '[Federal Government]' from amongst the members of the Council.

'Subs. by F.A.O., 1975, Art. 2 and Table.

(2) The President, Vice-President and the Treasurer shall hold office for a period of one year but each shall continue in office after the expiry of his term until his successor is elected and shall be eligible for re-election and in the case of the first President, for election.

(3) Any dispute relating to the election under sub-section (1) shall be referred to the '[Federal Government]' whose decision thereon shall be final.

8. Secretary.—(1) The Council shall appoint a Secretary on such terms and conditions as it may think fit.

(2) The Secretary may attend and take part in the proceedings of the Council but shall not be entitled to vote.

9. Powers of the Council.—(1) The general direction and administration of the affairs of the College shall vest in the Council which may exercise all such powers and do all such acts and things as may be exercised or done by the College.

(2) In particular and without prejudice to the generality of the foregoing power, the Council may—

(a) lay down the powers and functions of the officers of the College;

(b) hold examinations for the grant of Diplomas and admission to Fellowship of the College;

(c) appoint Boards of Examiners to conduct examination in different subjects;

(d) appoint Committees of the Council and lay down the powers and functions of such Committees;

(e) appoint auditors and other officers and employees of the College;

(f) admit as Fellows the persons who have passed Fellowship examination and signed the prescribed pledge;

(g) elect as Fellows, in the prescribed manner, from amongst the distinguished medical graduates of not less than twenty years standing subject to the rules:

Provided that, except during the first two years, not more than two persons shall be elected as Fellows, in any one year;

(h) admit, subject to rules made in this behalf, distinguished persons as honorary Fellows of the College:

Provided that no physician or surgeon practising in Pakistan shall be admitted as an honorary Fellow;

(i) lay down fees, subscription and other charges for Fellowship, admission to examination and for such other matter as it may think fit; and

Gj) do all such acts and things as may be necessary for the performance of the functions of the College.

10. Expulsion of Fellows.—(1) Where the Council is of the opinion that a Fellow is guilty of misconduct or of any conduct derogatory to the dignity of a Fellow and the interest of the College requires his expulsion from the Fellowship of the College, the Council may expel such Fellow by a resolution at a meeting specially called for the purpose passed by not less than two-thirds of the total number of members of the Council.

(2) The Council may also expel a Fellow for any other reason by a resolution at a meeting called for the purpose passed unanimously by all the members of the Council.

(3) The notice of every meeting called under sub-section (1) or sub-section (2) shall be given to the Fellow who is proposed to be expelled together with a statement of charges against him and every such Fellow shall be entitled to submit an explanation of his conduct in writing and also to attend the meeting of the Council and show cause against his expulsion.

11. The Executive Committee.—(1) There shall be an Executive Committee of the Council consisting of the President, the Vice-President, the Treasurer, the Secretary and two members elected by the members of the Council from amongst themselves.

(2) The Executive Committee shall exercise and perform such powers and functions of the Council in the management and conduct of the affairs of the College as may be entrusted to it by resolution of the Council or as the President may, in the case of emergency, require the Executive Committee to exercise and perform.

12. Funds.—(1) All receipts of the College from any source whatever shall constitute the College Fund which shall be applied, subject to any rules made in this behalf, by the Council to meet all expenditure for the administration and management of the affairs of the College.

(2) The Council shall make disbursement of College Funds by cheques signed by the Treasurer and the Secretary or by one member of the Executive Committee and the Secretary or by any two members of the Executive Committee.

13. Common Seal.—The common seal of the College shall be deposited at the office of the Council and shall not be used except by the authority of the Executive Committee and in the presence of two members of the Executive Committee and the Secretary each of whom shall append his signature to the documents on which the common seal is affixed.

14. Accounts and audit.—The Council shall maintain in the prescribed manner the accounts of all receipt and expenditure of the College and such account shall be audited annually by such auditors as may be appointed by it in this behalf.

15. Budget and Annual Report.—(1) The Council shall, before the close of every financial year, prepare an annual report of the working of the Council and a statement of the estimate of the receipts and expenditure of the College for the next succeeding financial year, and present at the Annual Meeting of the College the report and the statement which may be discussed at the meeting.

(2) After the close of the Annual Meeting of the College, the Council shall approve the estimate of receipts and expenditure, with or without modification.

16. Meeting of the College.—(1) The Council shall, before the close of every financial year, call at such time and place as it may think fit the annual meeting of the College—

(a) to receive and consider the annual report presented by the Council;

(b) to receive and discuss the statement of the estimate of receipt and expenditure of the College for the next succeeding financial year; and

(c) to transact such other business as the Council and the Fellows may think fit.

(2) The Council may also from time to time call general meetings of the Fellows for the purposes of providing information or for discussion of matters concerning the welfare of the College and the Fellows and such other matters within the scope of the objects of the College as the Council may think fit to present at such general meeting.

17. The President, etc., of the Council to be public servant.—The President and other members of the Council, and every officer and servant of the College acting or purporting to act under this Ordinance, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

18. Bar to suits, etc.—No suit, prosecution or other legal proceedings shall lie against the College, Council or any person for anything which is in good faith done or intended to be done under this Ordinance.

19. Power to make rules.—The Council may make rules for carrying out the purposes of this Ordinance.