

SINDH ORDINANCE NO. V OF 2001

THE SINDH PRIVATE MEDICAL EDUCATION INSTITUTIONS (REGULATION AND CONTROL) ORDINANCE 2001.

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[18th January, 2001]

An Ordinance to provide for the regulation and control of certain institutions in the private sector in the Provincial of Sindh

WHEREAS it is expedient to provide for the regulation and control of the institutions imparting medical education in the private sector in the Province of Sindh. **Preamble.**

AND WHEREAS the Provincial Assembly stands suspended in pursuance of the proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999.

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action.

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and the Provisional Constitution Order read with Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Sindh private Medical Education Institutions (Regulation and control) Ordinance, 2001. **Short title extent and commencement.**

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise repugnant- **Definitions.**

(a) "Authority" means the Medical Educations Institutions Authority, constituted under this Ordinance;

(b) "Government" means the Government of Sindh;

(c) "institution" means any private institution, by whatever name called, imparting medical education;

(d) "medical education" means the medical education leading to a degree, diploma or certificate in any discipline of health science or profession;

(e) "prescribed" means prescribed by rules;

(f) "Registration Authority" means an officer appointed by Government under this Ordinances;

(g) "rules" means rules made under this Ordinance;

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(h) "scheme" means a scheme as may be prescribed for obtaining permission to establish or continue an institution or to open new course of study or training in an institution registered under this Ordinance;

3. (1) Government shall establish an Authority known as the Medical Education Institutions Authority. **Constitution of the Authority.**
- (2) The Authority shall consist of a Chairman to be appointed by Government and the following members:-
- (a) Secretary to Government of Sindh health Department or his nominee not below the rank of Additional Secretary;
 - (b) one representative of the Pakistan Medical and Dental Council or relevant accreditation body as may be appointed by Government;
 - (c) two representative of public University;
 - (d) one representative of the Pakistan Medical Association in respect of the scheme relating to medical faculty;
 - (e) one representative of the Pakistan dental Association in respect of the scheme relating to dental faculty; and
 - (f) two eminent persons from medical profession to be nominated by Government.
4. No institution shall be established or continued except in accordance with the provisions of this Ordinance. **Prohibition against establishing or continuing an existing institution.**
5. (1) Any person intending-
- (a) to establish an institution;
 - (b) to continue an institution already in existence;
 - (c) to allow an institution registered under this Ordinance to open new courses to study or raise admission capacity,

Shall submit to Government a scheme accompanied by the prescribed fee and documents.

(2) On receipt of the scheme Government may require the Authority or enquire into the matters set out in the scheme and submit its report to Government with its recommendations.

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(3) If in the opinion of the Authority, the scheme is defective or any further information or document is required, the Authority may call upon the person concerned to certify the defect or as the case may be, furnish the required information or document.

6. Where the scheme is complete, the Authority shall after making such enquiry as deemed fit make its recommendations to Government having due regard to the following factors; **Enquirer by and recommendation of the Authority.**
- (a) whether the proposed or the existing institution seeking its establishment or continuance, as the case may be, would be in a position to offer the medical education of at least minimum standard prescribed by the Pakistan Medical and Dental Council or any other relevant accreditation body;
 - (b) whether such institution has adequate financial resources for its proper function and conducting courses of study or training of the recognized standard;
 - (c) whether adequate hospital facilities, having regard to the number of students likely to attend such institution or course of study or training have been provided or would be provided within the time limit specified in the scheme;
 - (d) whether the proper teaching staff possessing prescribed qualifications has been provided or would be provided within the time limit specified in the scheme;
 - (e) whether necessary facilities in respect of staff, equipment, accommodation and other facilities to ensure proper functioning of the institution or accommodating the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time limit specified in the scheme; and
 - (f) any other factor as may, be considered necessary or proscribed.

7. (1) Government may, after considering the scheme and the recommendations of the Authority and after obtaining, where recommendations of the Authority and after obtaining where necessary, such other particulars and making such enquiry as may be deemed necessary from the person concerned, by order wither approve with such conditions as may be considered necessary or disapprove the scheme: **Approval or disapproval of the scheme.**

Provided that no scheme shall be disapproved unless the person concerned has been provided an opportunity of being heard.

(2) A copy of an order under sub-section (1) shall be communicated to the person concerned under intimation to the Registration Authority.

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(3) Where the scheme is not approved, fifty percent of the fee received with the scheme shall be refunded to the person concerned.

8. (1) Where a scheme to establish or continue an institution is approved, the Registration Authority shall register the institution in the prescribed manner and grant a certificate on the conditions mentioned in the order issued under section 7. **Registration Certificate.**
- (2) The person to whom the certificate is granted shall be responsible for due compliance with the provisions of this Ordinance, the rules and the terms and conditions of the certificate.
9. (1) An institution not already in existence on the coming into force of this Ordinance shall be established only after a certificate has been granted under section 7. **Establishment and continuance of private institution.**
- (2) An institution, already in existence in respect of which a scheme has been submitted within ninety days of the coming into force of this Ordinance, may continue pending the disposal of the scheme, but shall close down immediately if the scheme is not approved.
- (3) An institution, already in existence, in respect of with no scheme has been submitted within ninety days of the coming into force of this Ordinance shall not continue after the expiry of that period.
10. Where an institution is permitted to open a new courses of study or training or raise its admission capacity the institution shall not take any action in this behalf unless the Registration Authority inspects the institution and satisfies itself that requirements and conditions of the admissions and course of study including training are completed, failing which, the permission shall be liable to be withdrawn. **Opening of new Course of Study or training.**
11. Where the Registration Authority, on receipt of a complaint or otherwise, after making such enquirers or inspections as deemed fit, is satisfied that there is a contravention of any of the provisions of this Ordinance or the rules or any of the terms or conditions of the certificate it may, by order in writing, suspend or cancel the certificate. **Suspension or cancellation of certificate.**
- Provide that if the default is capable of being rectified, the person concerned may be required to rectify the default and where the default is rectified within the specified time the certificate shall not be cancelled;
- Provided further that the certificate shall not be suspended or cancelled without giving the persons concerned and opportunity of being heard.
12. If Government disapproves a scheme or the Registration Authority suspends or cancels a certificate the person concerned or the holder of certificate aggrieved by an order of Government or the Registration Authority may within thirty days from the date of such order, prefer a review petition or appeal, as the case may be, to Government and the order passed by the Government shall be final and given effect to by the Registration Authority. **Appeal.**

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13. Whoever runs an institution without registration shall be punished with imprisonment which may extend to one year or with fine which may extend to fifty thousand rupees or with both. **Penalty.**
14. No court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by the Registration Authority or an officer authorised by it in this behalf. **Cognizance of offence.**
15. The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract instrument, articles of associations, deed or other documents of an institution. **Overriding effect.**
16. No suit or legal proceeding shall lie against Government the Authority, the Registration Authority or any other person in respect of anything which is, in good faith done or is intended to be done under this Ordinance. **Indemnity**
17. Government may make rules for carrying out the purposes of this Ordinance. **Power to make rules.**