



Pakistan Medical Commission

Pakistan Medical Commission
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On the 8th of June 2021, an article titled “Audit finds PMC guilty of unlawful college recognition” appeared in both the print and online version of The News is factually and legally incorrect.

The whole story is premised on the audit report of Federal Directorate General (Audit) for financial year 2018-19 and 2019-20 and declares PMC guilty of unlawful college recognition. At the outset it is clarified that the observations in the aforementioned audit report are not conclusive findings. These are mere observations which need to be addressed and decided by the relevant competent forum.

Further, the issue highlighted in the news article are purely regulatory affairs and involve questions of law requiring insight on the functions and powers of regulator in the backdrop of relevant statute and applicable regulations and direction of the High Court vis these colleges. Observations of audit report relied upon in the news article are under discussion and it has yet not been settled that whether audit team had the expertise, relevant knowledge and the mandate under the law to give such observations in their report.

News article while alleging decisions of PMC as unlawful has transgressed the orders of the High Court where specific directions were issued for inspections and recognition of these colleges. Therefore, it would be relevant to highlight here the directions and orders passed by the High Court with respect to each of the following college labelled for unlawful recognition:

Khairpur Medical College

Students of Khairpur Medical College filed Constitution Petitions CP No. 1157/2019, CP No. 1689/2017 and CP No. 1287/2020 before Sind High Court and it was contended that PMC established under PMC Act 2020 is not recognizing Khairpur Medical College. The Sind High Court in its judgment dated 20-01-2021 directed to issue provisional recognition to Khairpur Medical College immediately.

Swat Medical College

The college filed writ petition WP No. 104/2019 before Peshawar High Court Swat Bench. Plea taken by the college was it has not been recognized despite inspection carried out. The Court in its order dated 04-02-2019 allowed college the admission of students subject to inspection/recognition by PMDC. In detailed judgment dated 25-03-2019, the Court directed the Council established under PMDC Ordinance, 2019 to decide the issue of recognition of college within one month. The college filed a second writ petition WP No. 955/2019 contending that PMDC is not recognizing the college. The case came up for hearing on 15-10-2019. The Court observed that Council could not decide the issue of recognition of college as per direction of Court for the reason that Senate had disapproved the



Pakistan Medical Commission

PMDC Ordinance, 2019, therefore, the process of recognition of college is in limbo. The Court allowed the college to admit students subject to inspection/recognition by the Council.

Azra Naheed Dental College

The college in a writ petition WP No. 3566/2019 before Islamabad High Court sought permission to provisionally admit students for academic year 2019-20. The court in its order dated 17-10-2019 directed PMDC to inspect the college. On 18-12-2019, next date of hearing (After promulgation of Pakistan Medical Commission Ordinance, 2019) the High Court was informed that inspection of college has been carried out by PMC to comply with the direction of the High Court and college was provisionally approved.

Watim Medical College

The college filed a writ petition WP No. 1423/2019 to seek permission for inspection and recognition. On 17-04-2019, the Court was apprised that the Council shall take decision regarding all the medical college which have filed application for inspection. On next date of hearing on 20-12-2019 the Court was informed that pursuant to direction of the court college has been inspected. On last date of hearing on 13-01-2019 the Court disposed of the petition after PMC confirmed that after inspection, the college has been accorded recognition.

Abbottabad International Medical College

The college filed writ petition WP No. 53/2019 wherein it was contended that PMDC recommended closure of college to the Ministry of Health without seeking explanation from the college. The Court in its order dated 21-01-2019 restrained the Ministry to take any action such request of PMDC. On next date of hearing on 09-12-2019 the Court was apprised that PMC established under the PMC Ordinance, 2019 is carrying out inspections including the college and PMC shall act in accordance with the report of the inspection.

Muhammad Dental College

The college filed constitution petition CP No. D-1115/2019 and raised plea that after scoring less in first inspection conducted in 2018, it was decided that college may apply of fresh inspection in next calendar year. Now college is ready for inspection and the Court may direct the Council for inspection. On 08-05-2019, the college was directed to file application for fresh inspection.

Dow Dental College

The college filed constitutional petition CP No. D 507/2019 to challenge the notification of PMDC whereby the college was recommended for derecognition. The Court in its judgement dated 07-03-2019 directed the college to approach the Council for inspection and the PDC shall carry out inspection in accordance with law.

Kindly note that when Pakistan Medical Commission was established under the Pakistan Medical Commission Ordinance 2019, there were pending cases of inspections of new applicant colleges or abovementioned colleges with specific directions issued by the High Court to conduct their inspections and complete the recognition process. Therefore, it was decided that in phase 1 inspections Higher Education Commission (HEC) in collaboration with PMC will carry out inspection of 14 institutions which had applied first time for recognition or where court has ordered for inspection on immediate basis.

National inspection committee comprising of officials of HEC and nominees of the PMC was formed to respond to such immediately pending inspections. It is clarified that HEC had a specific role in respect of inspection of medical and dental colleges under the PMC Ordinance, 2019. HEC was required to conduct inspection of medical and dental institutes on the criteria laid down by PMC. The colleges which qualify the inspection had to obtain affiliation with the relevant university



Pakistan Medical Commission

and thereafter seek registration with the PMC as an operating medical or dental college. National inspection Committee appointed conveners and inspection teams to inspect each of the abovementioned colleges. HEC looked after the logistics/boarding and lodging of the inspection teams members. Team coordinators for each team was nominated by HEC who accompanied each team for necessary coordination and support.

News article has raised a question on the non-adherence to 2018 Accreditation Standards and without making any reference to applicable law and accreditation standards prevailing at time has declared inspections and recognition as unlawful. In this regard, it is clarified that the inspection criteria 2019 was the only applicable accreditation standards at that time. Under section 50 of the PMC Ordinance, 2019 all regulations made pursuant to the repealed 1962 Ordinance stood repealed and were not enforceable. Therefore, repealed Accreditation standards 2018 could not be the applicable criteria for these inspection and recognition carried out by PMC. Hence, no illegal action or decision was taken by the PMC and the inspections were conducted lawfully under then prevalent Accreditation standards 2019.

Post inspections 10 of these colleges passed the inspection and four colleges failed the inspection. National Inspection Committee heard the objections by the colleges and submitted report along with recommendations before the Council who approved the same and 10 colleges were notified as accredited and recognized. However, the Council decided that the accreditation would be provisional for one year and they would be re-inspected under a new criteria to be developed by the Academic Board if there were substantive changes in the new criteria.

It is relevant to point out here that on 11-02-2020, Islamabad High Court declared the PMC Ordinance, 2019 ultra vires the Constitution and PMDC Ordinance 1962 was revived. However, doctrine of de facto was not made applicable to the decisions taken by the PMC under the said Ordinance 2019. Thereafter, Ad hoc PMDC Council was appointed who instead of taking decision which had the least effect of disrupting the education being imparted in colleges recognized by PMC and despite the fact these colleges were willing for fresh inspection, issued a public notice on 20-05-2020 that these 10 colleges have lost their recognition by virtue of above-mentioned judgement.

The decision of Ad hoc PMDC to revoke recognition of colleges started a second round of litigation by these colleges. Colleges filed petitions before High Court challenging the public notice to revoke recognition of 10 colleges. The colleges contended that provisional recognition by PMC under the PMC Ordinance, 2019 gave them vested rights as they admitted students based on the decision of the PMC and if their recognition is revoked and their students are rehabilitated to other colleges, it will cause irreparable loss to such students. The High Court directed that no adverse action will be taken and the students already admitted in these colleges shall continue to be imparted education.

In September 2019, Pakistan Medical Commission Act, 2020 was promulgated. Under Section 50 of the PMC Act all decisions taken by the PMC pursuant the PMC Ordinance 2019 have been validated. All recognitions granted by the PMC under the PMC Ordinance, 2019 are deemed to be the recognitions granted by the Commission under the PMC Act 2020. Therefore, the decisions of PMC to recognize these 10 medical colleges has been saved and validated in terms section 50 of the PMC Act 2020 and cannot be questioned for lack of authority. Hence, PMC in October 2020 again notified these 10 colleges as having been properly inspected and having passed the inspections.

Apart from issue of recognition of 10 colleges, news article makes a general statement that PMC during the audit period issued permanent registration certificate to 58 foreign national instead of temporary registration as specified in Pakistan Registration of Medical and Dental Practitioners' Regulations, 2008. Firstly, the statement is too vague and there is no reference to any specific foreign graduate case. Secondly, it has been clarified in preceding paragraphs that under section 50 of the PMC Ordinance, 2019 all regulations made pursuant to the repealed 1962 Ordinance stood repealed and were not enforceable. Therefore, reliance on Pakistan Registration of Medical and Dental Practitioners' Regulations, 2008 issued




Pakistan Medical Commission

under 1962 Ordinance is misplaced as these regulations were already repealed. Nonetheless, legal framework envisaged under the PMC Ordinance, 2019 provided for grant of full license to foreign graduates in certain instances. Section 21 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. Therefore, the decisions taken by PMC were in accordance with legal scheme provided under the PMC Ordinance, 2019.

Lastly, news article refers to audit observation regarding grant of registration to doctors in deviation from normal registration process in vogue, particularly Appointment of Faculty Regulations, 2018. Again, same lack of legal understanding is reflected in this case. Appointment of Faculty Regulations, 2018 were repealed by the PMC Ordinance, 2019 and there were not applicable. More importantly, under the legal framework provided in the PMC Ordinance, 2019, PMC had no direct involvement in setting the promotion criteria for faculty. Only Academic standards of faculty were to be developed by the PMC setting benchmarks for employing institutions and universities when undertaking appointments/promotions of faculty. Even no experience certificate was required to be issued by PMC, it was primary responsibility of the employing institution.

Ms. Jamila Achakzai proceeded with publishing a factually and legally inaccurate story with slanderous title to it, solely relying on audit observations which are to be discussed and their veracity is yet to be decided. The story is manifestly representative of vested interests seeking to malign Commission and its constituent bodies.

In view of above, the Pakistan Medical Commission expects that an esteemed publication such as yourself will seek to take immediate steps to rectify the situation and retract the story and issue an apology to PMC. In the event the appropriate steps are not forthcoming the Pakistan Medical Commission will be taking legal recourse against Ms. Jamila Achakzai and the News for defamation and dissemination of information against a public functionary which is legally in correct and is in utter disregard of high court orders.


Member Legal
National Medical Authority
Pakistan Medical Commission