

**THE PAKISTAN MEDICAL COMMISSION (EMPLOYEES DISCIPLINARY
PROCEEDINGS) CODE, 2021**

Islamabad, the 19th February, 2021

In exercise of the powers conferred by section 8(2) (a) of the Pakistan Medical Commission Act, 2020 (XXXIII of 2020) and regulation 28 of the PMC Service Regulations 2020, the Pakistan Medical Council, is pleased to make the following code, namely:

**THE PAKISTAN MEDICAL COMMISSION (EMPLOYEES DISCIPLINARY
PROCEEDINGS) CODE, 2021**

1. Short title, commencement and applicability. — (1) This code may be called the Pakistan Medical Commission (Employees Disciplinary Proceedings) Code, 2021.

(2) It shall come into force at once.

(3) This shall be applicable to disciplinary proceedings initiated in the service matters under the PMC Service Regulations 2020.

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

(a) "Act" means the Pakistan Medical Commission Act, 2020 (XXXIII of 2020);

(b) "Accused" means an employee who has been issued a show cause notice for any violation or allegation which would entail a penalty pursuant to the Regulations;

(c) "Applicable documents" means the rules and regulation issued in pursuance of the Act from time to time, codes, guidelines, standing operating procedures, directive, decision and any documents, instruments, approvals or authorizations issued or granted by the Commission in exercise of its powers under the Act;

(c) "Council" means the Medical and Dental Council constituted under the Act;



(f) "Delinquent" means a person adjudged, by the Disciplinary Committee or the Council to be in violation of the provisions of the Act, Regulations or the applicable documents;

(d) "Disciplinary Committee" means the Disciplinary Committee constituted under section 32 of the Act;

(e) "Employee" means an employee of Pakistan Medical Commission appointed subsequent to the promulgation of the Act or having become the employee of Pakistan Medical Commission pursuant to section 49(1) of the Act;

(g) "Regulations" means Pakistan Medical Commission Service Regulations, 2020.

(2) The words and expressions used in this code, but not defined herein shall have the same meaning as are assigned to them in the Act and Regulations.

PART – II

3. **Disciplinary Proceedings** --- Disciplinary proceedings shall be initiated against an employee who is alleged to have committed any violation which would entail a penalty pursuant to the Regulations.

PART- III

4. **Procedure** --- (1) upon issuance of the show cause notice under Regulations, the disciplinary proceedings against the employee shall stand commended.

(2) The accused shall, within the time, not being less than 07 days, as specified in the show cause notice, submit a written and detailed response to the show cause notice.



- (3) The Disciplinary Committee may require the accused to furnish such other information or document as it may deem appropriate.
- (4) The matter shall be fixed for personal hearing of the accused before the Disciplinary Committee not later than thirty days of submission reply to show cause notice under sub-clause (2) or (3) above as the case may be.
- (5) The accused shall appear in person at the hearing before the Disciplinary Committee. The hearing may be attended in person or through video link.
- (6) Where the Disciplinary Committee accepts the response to the show cause notice, it shall record the reasons for acceptance thereof and shall recommend the matter closed.
- (7) Where the Disciplinary Committee rejects the response to the show cause notice, it shall:
 - (i) record the reasons for rejection of the response;
 - (ii) declare the said person to be a delinquent in terms of the declaration; and
 - (iii) recommend a suitable penalty as prescribed in the Regulations.
- (8) The Disciplinary Committee shall hear and conclude each disciplinary proceeding within sixty days of issuance of show cause notice.

5. **Ex-Parte Proceedings** --- In the event on the day fixed for hearing, including day of hearing re-fixed on adjournment, if accused does not appear even after service of notice, or seeks an adjournment to which the committee does not accede to, the Disciplinary Committee may for reasons to be recorded continue proceedings in the absence of accused and an ex-parte decision may be made.

PART IV

6. **Powers of Disciplinary Committee** --- For the purpose of disciplinary proceedings, the Disciplinary Committee shall exercise all the powers vested in it under the Act and rules and regulations framed under the Act, namely:



- (a) Summoning and enforcing the attendance of any witness and examining him on oath;
- (b) discovery and production of any document or other material object producible as evidence from any hospital or institution;
- (c) accept evidence on affidavits or other manner acceptable to the Committee;
- (d) requisitioning of any public record; and
- (e) issuing of a commission for the examination of any witness, document or both.

PART V

7. **Penalty** --- (1) In recommending any penalty, the Disciplinary Committee shall keep in view the proportionality of the penalty to the gravity of the violation.

(2) The penalty recommended under this code shall be without prejudice to any other penalties which may be imposed under the Act or applicable documents.

8. **Approval of Council** --- Recommendations of the Disciplinary Committee shall be placed before the Council for its approval and shall be effective upon approval of the Council.

9. **Reference to Medical Tribunal** --- The Disciplinary Committee in addition to recommendation of a penalty provided for under this code or otherwise may recommend to refer an offence for criminal prosecution to the Medical Tribunal if the same falls within the jurisdiction of the Medical Tribunal for trial and such reference and prosecution before the Medical Tribunal shall not be deemed to be a re trial or imposition of penalty for the same offence.

10. **Appeal.** --- (1) The delinquent may prefer an appeal against the decision of the Council before the Medical Tribunal within thirty days of the date of communication of the decision.



Secretary
Pakistan Medical Commission

