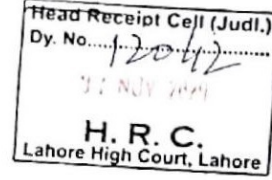


IN THE LAHORE HIGH COURT, LAHORE



WP NO. 55761/2020

Pakistan Association of Private Medical and Dental Institutions

Vs.

Federation of Pakistan and another

REPORT REGARDING MEETING HELD PURSUANT TO COURT ORDER
ON BEHALF OF RESPONDENT NO. 2 (PAKISTAN MEDICAL
COMMISSION)

Respectfully submitted as follows:

- 9/11 J.H.
1. That in compliance with directions of the Honourable Court passed vide its order dated 02-11-2020, a meeting was held by the Commission with representatives of PAMI on 04-11-2020 at 11:00 am at the office of the Commission.
 2. That a Report of the proceedings of the said meeting duly signed by the President of the Commission is being placed on record for perusal of the Honourable Court.

RESPONDENT NO. 2

Pakistan Medical Commission

Through Counsel:

Ch. Muhammad Umar
Barrister at Law

Advocate Supreme Court

C.C No. PSW 22126

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Pakistan Medical Commission

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Dated: 06th November, 2020

REPORT

Meeting with PAMI pursuant to Court Order

A meeting was held on 4th November, 2020 at 11:00am at Pakistan Medical Commission (PMC) Head Office, Islamabad, attended by the following;

- | | |
|--------------------------|---------------------|
| 1. Dr. Arshad Taqi | President PMC |
| 2. Muhammad Ali Raza | Vice President PMC |
| 3. Chaudhry Abdur Rehman | President PAMI |
| 4. Dr. Tariq Khan | Vice President PAMI |

The meeting was held pursuant to the Order dated 2nd November, 2020 of the Honourable Lahore High Court to seek a resolution of the issue raised by PAMI relating to the proposed admissions of students in private medical and dental colleges for the upcoming session 2021.

PMC had promulgated Admission Regulations and proposed an automated admission system by which students would be enabled to apply on a single online portal for admission to any number of colleges of their choice. The merit creation would be by giving 50% weightage to the students MDCAT result and 50% weightage to the students F.Sc./HSSC result. Automated merit lists would be issued for each college and the students would then be given a 7 day window to select which college of their choice they wish to enroll and consequently pay the fee to the college to confirm their offered admission strictly on merit.

PAMI and its member private colleges primary concern was that under Section 18(3) of the PMC Act, 2020 the colleges had a right to carry out admissions based on their own criteria and the requirement of providing of the admission criteria one year in advance to the students under Section 18(3) should be prospective and hence cannot be a bar to them carrying out their admissions as per their own criteria notwithstanding that they would be informing students of their criteria for admissions only a few weeks prior to admissions.

The Commission informed the representatives of PAMI that there existed no caveat with the fact that the law has granted them the right to undertake admissions however, this is subject to them informing the intended applicants of the criteria of admission of each

college well in advance being atleast one year. It was due to the shortage of time that the Commission had proposed the automated system to safeguard the interests of the students as well as the colleges as the system protected the right of the student to choose which college it would go to and the college to decide to admit the student who is on merit. This was hence the practical solution which had been suggested by the PMC and to which PAMI had earlier agreed.

The Commission further explained to the representatives of PAMI that the Commission did not have the power to exclude the mandatory condition of providing criteria one year in advance. However, if the Honourable Court in exercise of powers vested in it determined that the said requirement of one year advance notice of criteria can be exempted for this year, the Commission would be bound by and of course without question abide by the judicial pronouncement.

PAMI representatives proposed that if the Honourable Court permitted the exemption of the one year advance notice of criteria, they would suggest a singular criteria for all private colleges for this year's admissions only, whereby merit would be calculated on the following basis of weightage;

MDCAT:	50%
F.Sc./HSSC:	30%
Interview:	20%

In response to the Commission's concern on the interview process, the PAMI representatives confirmed that each college would carry out the interviews directly of the applying students and the interview would be structured on an objective rather than subjective basis. The PAMI representatives further confirmed that admissions would be strictly on the basis of merit after taking into account the interview marks given by each college and the final merit of admitted students would be disclosed.

The Commission pointed out their further concern that asking students on such short notice to run around all over the country to apply individually to colleges of their choice and then attend interviews in multiple colleges may put an extra burden on the students as it may be difficult for each college to ensure their schedule of interviews of hundreds of students ensured every student on initial merit had the opportunity to apply to their colleges of choice. However, the PAMI representatives assured the Commission that they will ensure best practices as far as reasonably practicable.

PAMI representative also raised the issue that permission was given to Aga Khan University and NUMS colleges to carry out their own admissions. The Commission informed PAMI that Aga Khan University admissions criteria was announced a year ago and in fact their admission applications stood closed in July, 2020 whereafter their process of admission was underway and they were now awaiting the result of the MDCAT before they could finalize it. Similarly NUMS colleges admission criteria was announced months ago and they had carried out their own entry test as well as part of their declared criteria. In addition the NUMS colleges included admission of cadets for induction into the Army Medical Corps which carried its own distinct criteria. Therefore, Aga Khan University and NUMS colleges neither

were similarly placed to all the other private colleges and had substantially complied with the requirement of advance notice of criteria of admission as per Section 18(3) of the PMC Act, 2020.

In conclusion the Commission confirmed that;

- a) If the Honourable High Court determined that the one year advance notice requirement under Section 18(3) of the PMC Act, 2020 was not applicable for this year, the Commission would not as a consequence have any basis to be involved in the admissions to private colleges.
- b) The Commission's current proposal as per its Admission Regulations to assist the students and colleges in undertaking their admissions through an automated and transparent online system enabling students to apply to all colleges of their choice instead of having to go to each college and apply separately remains available. The admissions pursuant to this single platform admission application system would be subject to the selection by each student of their choice of college and for the college to offer the admission subject to available merit. However, as PAMI has stated that they are not interested in utilizing the system, the Commission cannot seek to impose the same without their consent in the event of a determination by the Honourable Court as to the non-applicability of the one year advance notice requirement under Section 18(3) of the PMC Act, 2020.
- c) Having a singular admission criteria for all colleges as suggested by PAMI for this year was appreciated as it would to some extent lessen the burden on students to decide which college to apply to, subject to the concerns of the Commission as to the subjective nature of the interview process as noted above as that can skew the merit of students.
- d) If the Honourable Court directs that the singular criteria be applied and under Section 18(3) each college undertakes their own admissions, the Admission Regulations 2020 shall be accordingly modified in line with the orders of the Honourable Court and the Commission would have no further role or responsibility in the admissions to private colleges except providing the MDCAT result to the students and colleges, subject to admissions being completed by 15th February, 2021. It would be the responsibility of the Universities to which the colleges are affiliated to ensure that the admissions were undertaken in accordance with merit as dictated by Article 37(c) of the Constitution of the Islamic Republic of Pakistan, 1973 and upon completion of admissions the Universities would be required in accordance with Section 19(3) of the PMC Act, 2020 to provide to the Commission within 30 days of completion of admissions the final certified list of students admitted to each of their constituent or affiliated colleges.
- e) The Commission reiterated that it would act strictly in accordance with any direction of the Honourable High Court, if any, in respect of the admissions process to private colleges in addition to what has been stated.

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- f) It was lastly confirmed that the results of the national inspections held in 2019 were not being made public by the Commission. The inspecting authority of the colleges educational programs is the Higher Education Commission and it is for them to determine when to inspect the colleges and determine the results and issue a national ranking of colleges in the future.



PRESIDENT
Pakistan Medical Commission

**POINTS FOR DISCUSSION
BY
PRESIDENT PAMI WITH PMC**

1. In pursuance of the direction of the Lahore High Court in the Writ Petition filed by PAMI and others against Pakistan Medical Commission, the Honorable Judge had directed for a meeting between PAMI and PMC to reach to a common ground within the premises of the PMC Act of 2020 and the clauses contained therein.
2. The PMC had made regulations in violation to the Act of 2020 and its clauses. The points included in the Writ Petition highlight the violations done by PMC in total disregard of the clauses of the Act and are briefly as under:
 - a. The Act does not allow central induction whereas all the actions and the regulation of 02-10-2020 are a testimony of central induction being enforced by PMC. The Act allows the colleges to formulate their own admission criteria which was to be displayed one year before the admissions and the fee structure three months before the admissions. However, PMC is wrong to assume that this gives them the authority to do central induction. On the contrary PMC should only issue instructions to the colleges / universities to complete the requirement as envisaged in the Act in the shortest time due to the extraordinary circumstances.
It is established cause of jurisprudence that law can only be prospective if certain conditions are lead out. The PAMI has no cavil with the displaying of criteria for the next years induction/admission but since the law has come about in September this clause/condition cannot be enforced. However there is no objection to displaying the criteria alongwith the prospectus and on the respective website of various colleges.

Admission Criteria for all Private Medical Colleges:

Matric	10%
F.Sc	30%
MDCAT / SAT-II	20%
Entrance Test	30%
Interview	10%

It is proposed that PMC should hold the MDCAT exam as per the Act through its own Examination Board and leave it to the colleges to make their own order of merit which may include the weightages to be assigned to each ingredient and consequently carry out their own admissions.

- b. PMC has exempted NUMS and Agha Khan from its proposed central admission system. This exemption is mala fide and in fact NUMS as well as Agha Khan should be treated at par with all other private medical colleges. Either way PMC should not involve itself in the admission process. By routing it through PMC confusion will reign supreme.
- c. The PMC has arbitrarily decided to make NUMS as its vendor to hold MDCAT exam whereas this was to be handled by the National Examination Board which has not been formed to date. Under such circumstances the entire exercise is void. PAMI is prepared to discuss the modus operandi for the holding of the MDCAT test, however, since the Act of 2020 Clause 18 makes it only "mandatory" for the private medical colleges and 50% or above for the public medical colleges, therefore, any instruction to the contrary is against the Act.



- d. PAMI had discussed this issue earlier as it has the support of the order of the Lahore High Court of 08-08-2019 in WP 37562/2019 in which it has been maintained that the inspection of 2019 will be shared with the colleges with confidentiality, no penalties or adverse actions shall be taken against any medical colleges, the application of the Evaluation Criteria of 2019 shall not be in retrospect and no ranking or categorization will be done on the basis of 2019 Evaluation Criteria. All this was in response to the PM&DC's own concurrence. Any attempt by the PMC to declare ranking or categorization is a violation of undertaking. Sharing it with HEC is also violation of the undertaking.
- e. The PMC / PM&DC concurrence further extends to the provision of adequate time for the colleges to come up to the 2019 Evaluation Criteria. The inspection forms of which are controversial and that their finalization would be in consultation with the colleges. PAMI is prepared to contribute to this effort.
- f. PAMI is prepared to go an extra mile for the improvement of Medical Education and better coordination between PMC and the medical / dental colleges. For this purpose, PAMI has already constituted the following committees:
 - i. **Medical Education Reforms Committee** – For improvement of Medical Education.
This shall be under the supervision of President PAMI and shall prepare recommendations for the improvement of Medical Education through necessary coordination with President PMC.
 - ii. **Grievance Committee** – This will enable PMC to refer all possible complaints received by them to the Grievance Committee of PAMI which, it hopes, will reduce the burden and workload of PMC. For this purpose, the Vice President of PAMI shall remain in close coordination with the Vice President of PMC.
3. **Bank Guarantee:**
Since the PMC law does not envisage retention of bank guarantees already provided by the Private Medical Colleges the same may be returned after clearing of liabilities if any and HEC should abide by its own law which envisages endowment fund and not bank guarantees.
4. **Fees for Detained Students** – According to the Act of 2012 and all regulations had been passed subsequently, all detained students were required to pay tuition fees proportionate to the number of subjects failed. PMC has now issued a regulation requiring that no fee may be charged. Such a regulation will result in loss of revenue to the colleges besides encouragement to the lethargic and non-serious students to continue studies without any detriment. PMC may continue to adopt the system for the fee of detained students as in the past.

Drop-outs – PMC has made a provision for drop-outs and has allowed the colleges to fill up the vacant seats within 60 days. It is proposed that the system given in the Regulation of 2007 and 2012, where the colleges could fill up the vacant seats in the first two years; remaining within the total number of authorized seats, could fill up the seats. This is essential to make sure that the colleges do not suffer loss of revenue which is vital as the colleges are already feeling the rising costs and finding difficult to manage their expenses.