

**THE BANGLADESH COLLEGE OF PHYSICIANS AND
SURGEONS ORDER, 1972**

PRESIDENT'S ORDER NO. 63 OF 1972

[8th June, 1972]

WHEREAS it is expedient to establish a College of Physicians and Surgeons in the People's Republic of Bangladesh 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 Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Order:-

1. (1) This Order may be called the Bangladesh College of Physicians and Surgeons Order, 1972.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context,-

(a) "College" means the Bangladesh College of Physicians and Surgeons established under Article 3;

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

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

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

3. (1) As soon as may be after the commencement of this Order, there shall be established a College, to be called the Bangladesh 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.

¹[4. (1) The College shall consist of the following persons who shall be called the Fellows of the College, namely:-

- (a) persons elected as Fellows under sub-clause (g) of clause (2) of article 9;
- (b) persons who have passed the Fellowship examination and are admitted as Fellows by the Council; and
- (c) persons who immediately before the 25th day of March, 1971, were elected or admitted as Fellows of the College of Physicians and Surgeons established under section 3 of the College of Physicians and Surgeons Ordinance, 1962 (XX of 1962), and are citizens of Bangladesh.

(2) Notwithstanding anything contained in clause (1) the Government may, if it deems fit so to do, appoint, up to the 31st day of December, 1974, any of the persons specified in the Schedule to this Order, to be a Fellow of the College.]

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

- (1) to promote specialist practice of all medical sciences by securing improvement of teaching and training in hospitals and hospital methods;
- (2) to arrange post-graduate education of all specialities of medical science;
- (3) to hold and conduct examinations for membership and admission to the Fellowship of the College;
- (4) to provide for research;

¹ Article 4 was substituted by section 2 of the Bangladesh College of Physicians and Surgeons (Amendment) Act, 1974 (Act No. XXVII of 1974).

- (5) to bring together the physicians, surgeons and other specialists of Bangladesh 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 Order.

6. (1) There shall be constituted a Council of the College consisting of twenty members, out of which sixteen shall be elected, in the prescribed manner by the Fellows from amongst the members and four will be nominated by the Government.

(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:

¹[Provided that in the first election for the constitution of the Council one-half of the members of the Council shall be elected for of a term of only two years.]

(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 nominated or elected and the person so nominated or elected shall hold office for the unexpired period of the term of his predecessor.

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

(2) The President, Vice-President and the Treasurer shall hold office for a period of two years but each shall continue in office after the expiry of his term until his successor is elected and shall be eligible for re-election for one more term. The election of these office-bearers will take place every two years after the election of one half of the Council has taken place.

(3) Any dispute relating to the election, under clause (1) shall be referred to the Government whose decision thereon shall be final.

¹ The proviso was substituted by section 2 of the Bangladesh College of Physicians and Surgeons (Amendment) Ordinance, 1976 (Ordinance No. LX of 1976).

8. (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. (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 admission to Membership and 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 of the College;

- (h) admit, subject to rules made in this behalf, distinguished persons as honorary Fellows of the College;
- (i) lay down fees, subscription and other charges for Fellowship, admission to examination and for such other matters as it may think fit;
- (j) do all such acts and things as may be necessary for the performance of the functions of the College.

10. (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 by not less than two-thirds of the total number of members of the Council.

(2) The notice of every meeting called under clause (1) 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. (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. (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 expenditures for the administration and management of the affairs of the College.

(2) The Council shall made disbursement of College Funds by cheques signed by the Treasurer and the Secretary or by any one member of the Executive Committee and the Senior Vice-President.

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

15. (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. (1) The Council shall, before the close of every financial year, call at such time and place as it may think fit in 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 and other members of the Council, and every officer and servant of the College acting or purporting to act under this Order, shall be deemed to be public servants within the meaning of section 21 of the Penal Code.

18. No suit, prosecution or other legal proceedings shall lie against the Collage, Council or any person for anything which is in good faith done or be intended to be done under this Order.

19. The Council may make rules for carrying out the purposes of this Order.

20. The Pakistan College of Physicians and Surgeons Ordinance, 1962 (XX of 1962), is hereby repealed.

SCHEDULE

¹[see Article 4(2)]

(I) Persons, who have had at least five years of experience after having acquired any of the following qualifications-

- (i) Fellow of the Royal College of Surgeons (F.R.C.S.).
- (ii) Member of the Royal College of Physicians (M.R.C.P.).
- (iii) Member of the Royal College of Gynaecologists (M.R.C.O.G.).
- (iv) Doctor of Philosophy (Ph.D.).
- (v) Master of Philosophy (M. Phil.).
- (vi) Member of the College of Pathologists (M.C.Path.).

OR

- (vii) Any equivalent qualification.

II. ²[Persons], who have had experience of at least seven years after acquiring any of the following qualifications-

- (i) Diploma in Medical Radiological Diagnosis (D.M.R.D.).
- (ii) Diploma in Medical Radio Therapy (D.M.R.T.).

¹ Substituted for the heading "Persons to be appointed as Fellows of the College up to 31st December, 1974 [Cf. Article 4(a)]" by section 3 of the Bangladesh College of Physicians and Surgeons (Amendment) Act, 1974 (Act No. XXVII of 1974).

² The word "Persons" was substituted for the word "Candidates" by section 3 of the Bangladesh College of Physicians and Surgeons (Amendment) Act, 1974 (Act No. XXVII of 1974).

- (iii) Diploma in Psychological Medicine (D.P.M.).
- (iv) Diploma in Pathology (D. Path.).
- (v) Member of College of Physicians and Surgeons (M.C.P.S.).

OR

- (vi) Any equivalent qualification.

III. ¹[Persons], who have acquired experience of at least ten years after having obtained any of the following qualifications-

- (i) Diploma in Anaesthesiology (D.A.).
- (ii) Diploma in Ophthalmology (D.O.).
- (iii) Diploma in Otolaryngology (D.L.O.).
- (iv) Diploma in Tubercular Diseases (T.D. D.).
- (v) Diploma in Tropical Medicine and Hygiene (D.T.M.& H.).
- (vi) Diploma in Chest and Tubercular Diseases (D.C.T.D.).
- (vii) Diploma in Clinical Pathology (D.C.P.).
- (viii) Diploma of the Royal College of Obstetrics and Gynaecology (D.R.C.O.G.).
- (ix) Diploma in Child Health (D.C.H.).
- (x) Diploma in Gynaecology and Obstetrics (D.G.O.).
- (xi) Diploma in Ophthalmic Medicine and Surgery (D.O.M.S.).
- (xii) Diploma in Bacteriology (Dip. Bact.).
- (xiii) Diploma in Public Health (D.P.H.). OR
- (xiv) Any equivalent qualification.

¹ The word "Persons" was substituted for the word "Candidates" by section 3 of the Bangladesh College of Physicians and Surgeons (Amendment) Act, 1974 (Act No. XXVII of 1974).