

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, জুন ১৮, ২০০৮

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়
বিজ্ঞপ্তি

তারিখ, ০৪ আষাঢ় ১৪১৫ বঙ্গাব্দ/১৮ জুন ২০০৮ খ্রিস্টাব্দ

নং ৩১ (মুঃপ্রঃ)।—গণপ্রজাতন্ত্রী বাংলাদেশের রাষ্ট্রপতি কর্তৃক ২৯ জ্যৈষ্ঠ ১৪১৫ বাং মোতাবেক ১২ জুন ২০০৮ খ্রিঃ তারিখে প্রণীত নিম্নে উল্লিখিত অধ্যাদেশটি এতদ্বারা জনসাধারণের জ্ঞাতার্থে প্রকাশ করা হইল।

২০০৮ সনের ৩১ নং অধ্যাদেশ

**The Medical and Dental Council Act, 1980 (Act No. XVI of 1980) এর অধিকতর
সংশোধনকল্পে প্রণীত
অধ্যাদেশ**

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ পূরণকল্পে The Medical and Dental Council Act, 1980 (Act No. XVI of 1980) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয়; এবং

যেহেতু সংসদ ভাঙ্গিয়া যাওয়া অবস্থায় রহিয়াছে এবং রাষ্ট্রপতির নিকট ইহা সম্ভোষণকভাবে প্রতীয়মান হইয়াছে যে, আশু ব্যবস্থা গ্রহণের জন্য প্রয়োজনীয় পরিস্থিতি বিদ্যমান রহিয়াছে;

সেহেতু গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ৯৩(১) অনুচ্ছেদে প্রদত্ত ক্ষমতাবলে রাষ্ট্রপতি নিম্নরূপ অধ্যাদেশ প্রণয়ন ও জারী করিলেন :—

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।—(১) এই অধ্যাদেশ The Medical and Dental Council (Amendment) Ordinance, 2008 নামে অভিহিত হইবে।

(২) ইহা অবিলম্বে কার্যকর হইবে।

(৩৯৯১)

মূল্য : টাকা ৬.০০

২। Act No. XVI of 1980 এর section 3 এর সংশোধন।—The Medical and Dental Council Act, 1980 (Act No. XVI of 1980) অতঃপর উক্ত Act বলিয়া উল্লিখিত, এর section 3 এর পরিবর্তে নিম্নরূপ section 3 প্রতিস্থাপিত হইবে, যথাঃ—

“3. **Constitution and composition of the Council.**—(1) The Council shall consist of the following members, namely:—

- (a) the Director-General of Health Services, *ex-officio*;
- (b) the Director of Medical Education and Health Manpower Development (HMPD), *ex-officio*;
- (c) the Director of Drug Administration, *ex-officio*;
- (d) the Director of Nursing Services, *ex-officio*;
- (e) the Director-General of Army Medical Services, *ex-officio*;
- (f) the Director-General of Family Planning, *ex-officio*;
- (g) the Director, National Institute of Preventive and Social Medicine, *ex-officio*;
- (h) the Deans of the Faculty of Medicine, of the University of Dhaka, University of Chittagong, University of Rajshahi and Shah Jalal University of Science and Technology, Sylhet, *ex-officio*;
- (i) two members from each administrative Division of Bangladesh to be nominated by the Government;
- (j) one member to be elected by the teaching staff from amongst themselves of Bangbandhu Sheikh Mujib Medical University;
- (k) one member to be elected by the teaching staff from amongst themselves of each Government Medical College;
- (l) one member to be elected by the teaching staff from amongst themselves of each Government Dental College;
- (m) five members to be elected by the teaching staff from amongst themselves of Non-government Medical Colleges by rotation but not more than one member from a non-government Medical College;

- (n) two members to be elected by the teaching staff from amongst themselves of Non-government Dental Colleges by rotation but not more than one member from a non-government Dental College;
 - (o) one member to be nominated by Bangladesh College of Physicians and Surgeons (BCPS);
 - (p) one member to be nominated by Bangladesh Dental Society;
 - (q) one member, belonging to the legal profession, to be nominated by the Bangladesh Bar Council;
 - (r) one member to be nominated by the Bangladesh Medical Association;
 - (s) one member to be nominated by the Bangladesh Private Medical Practitioners Association;
 - (t) two members of Parliament from each administrative Division to be nominated by the Speaker; and
 - (u) two women members to be nominated by the Government;
- (2) Election of members of Government or non-government Medical and Dental Colleges and Bangabandhu Sheikh Mujib Medical University shall be conducted by the Council.
- (3) No person shall at one and the same time serve as a member in more than one capacity.
- (4) The President of the Council shall be elected by the members from amongst themselves.
- (5) No act done by the Council shall be invalid on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Council.”

৩। Act No. XVI of 1980 এর sections 5 এর সংশোধন।—উক্ত Act এর section 5 এর sub-section (2) এ “or until his successor has been nominated or elected” শব্দগুলি বিলুপ্ত হইবে।

৪। Act No. XVI of 1980 এর section 9 এর সংশোধন।—উক্ত Act এর section 9 এর sub-section (2) এর পরিবর্তে নিম্নরূপ sub-section (2) প্রতিস্থাপিত হইবে, যথাঃ—

“(2) Any medical institution in Bangladesh which grants a medical qualification not included in the First Schedule may apply to the council to have such qualification recognised, and on recommendation of the Council, the Government may, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein subject to such conditions, if any, as may be specified.”।

৫। Act No. XVI of 1980 এর section 10 এর সংশোধন।—উক্ত Act এর section 10 এর পরিবর্তে নিম্নরূপ section 10 প্রতিস্থাপিত হইবে, যথাঃ—

“10. Recognition of medical qualifications granted by institutions outside Bangladesh.—(1) The medical qualifications granted by medical institutions outside Bangladesh which are included in the Second Schedule shall, subject to such conditions, if any, as specified therein, be recognised medical qualifications for the purposes of this Act.

(2) The Council shall have the power, after due consideration to certify persons of having Medical or Dental qualifications obtained inside or outside Bangladesh which have not included in any of the Schedules.

(3) All Medical or Dental institutions awarding Medical or Dental qualifications inside Bangladesh shall be recognized by the Council.

(4) No foreign Medical or Dental qualifications or Degree or Diploma shall be considered for registration under this Act if the awarding foreign institution is not recognised by Medical and Dental Council or Licensing authority of that Country.”।

৬। Act No. XVI of 1980 এর section 11 এর সংশোধন।—উক্ত Act এর section 11 এর sub-section (1) পরিবর্তে নিম্নরূপ sub-section (1) প্রতিস্থাপিত হইবে, যথাঃ—

“(1) At any time, the Council may enter into negotiations with the appropriate authority in any state or country outside Bangladesh for the settling of a scheme of reciprocity for the recognition of medical Qualifications, and in pursuance of any such scheme, the council may recommend the same to the Government and upon recommendation, the Government may, by notification in the official Gazette, amend the Second Schedule so as to include therein any medical qualifications which the Council has decided to recognise.”।

৭। Act No. XVI of 1980 এর section 12 এর সংশোধন।—উক্ত Act এর section 12 এর—

(ক) sub-section (2) এর পরিবর্তে নিম্নরূপ sub-section (2) প্রতিস্থাপিত হইবে, যথাঃ—

“(2) The Government may, on recommendation of the Council, by notification in the official Gazette, amend the Third Schedule so as to include therein or omit therefrom, subject to such conditions if any, as may be specified, any additional medical qualification in respect of which the Government is satisfied that it is of sufficient standing to warrant its being included therein or omitted therefrom.”; এবং

(খ) sub-section (3) বিলুপ্ত হইবে।

৮। Act No. XVI of 1980 এর section 13 এর সংশোধন।—উক্ত Act এর section 13 এর—

(ক) sub-section (2) এর পরিবর্তে নিম্নরূপ sub-section (2) প্রতিস্থাপিত হইবে, যথাঃ—

“(2) On recommendation of the Council, the Government may, by notification in the official Gazette, amend the Fourth Schedule so as to include therein or omit therefrom, subject to such conditions if any, as may be specified, any medical licences or diplomas in respect of which the Government is satisfied that it is of sufficient standing to warrant its being included therein or omitted therefrom.”; এবং

(খ) sub-section (3) বিলুপ্ত হইবে।

৯। Act No. XVI of 1980 এর section 14 এর সংশোধন।—উক্ত Act এর section 14 এর পরিবর্তে নিম্নরূপ section 14 প্রতিস্থাপিত হইবে, যথাঃ—

“14. Registrable medical examinations pass certificates.—Medical examinations pass certificates granted by medical institutions in Bangladesh on the completion of a Medical training Course for a period which shall not be less than three years to be fixed by the Government by notification in the official Gazette, shall be registrable medical certificate for the purposes of this Act, and the persons possessing such medical certificate, shall be able to practice medicine, surgery and midwifery under such terms and conditions as may be specified by the Council.”

১০। Act No XVI of 1980 এর section 15 এর সংশোধন।—উক্ত Act এর section 15 এর—

(ক) sub-section (2) এর পরিবর্তে নিম্নরূপ sub-section (2) প্রতিস্থাপিত হইবে, যথাঃ—

“(2) Any dental institution in or outside Bangladesh which grants a dental qualification not included in the Fifth Schedule may apply to the Council to have such qualification recongnized, and on recommendation of the Council, the Government may, after due consideration, by notification in the official Gazette, amend the Fith Schedule so as to include such qualification therein subject to such conditions, if any, as may be specified.”; এবং

(খ) sub-section (3) বিলুপ্ত হইবে।

১১। Act No. XVI of 1980 এর section 25 এর সংশোধন।—উক্ত Act এর section 25 এর—

(ক) sub-section (1) এ “Taka two thousand” শব্দগুলি পরিবর্তে “Taka fifty thousand” এবং “One year” শব্দগুলির পরিবর্তে “two years” শব্দগুলি প্রতিস্থাপিত হইবে; এবং

(খ) sub-section (2) এর পর নিম্নরূপ নূতন sub-section (3) ও (4) সংযোজিত হইবে, যথাঃ—

“(3) Notwithstanding anything to the contray contained in any other law for the time being in force, no medical or dental practitioner shall prescribe for any patient any medicine which has been declared as banned medicine by the concerned authority.

- (4) Whoever prescribes any banned medicine for any patient shall be punishable with fine which may extend to Taka twenty thousand or with imprisonment for a term which may extend to two years or with both.”।

১২। Act No, XVI of 1980 এর section 27 এর সংশোধন।—উক্ত Act এর section 27 এর পরিবর্তে নিম্নরূপ section 27 প্রতিস্থাপিত হইবে, যথাঃ—

“27. Prohibition for using false title, etc., by registered medical practitioners and dentists.—(1) No registered medical practitioner or registered dentist shall use or publish in any way whatsoever any name, title, description or symbol indicating or calculated to lead persons to infer that he possesses any additional or other professional qualification unless the same has been conferred upon him by a legally constituted authority within or outside Bangladesh or the Council.

- (2) Whoever contravenes provision of sub-section (1), shall be punishable with fine which may extend to Taka twenty thousand, or with imprisonment for a term which may extend to two years or with both.

- (3) Where a registered medical practitioner or registered dentist is sentenced for two years or more, his registration shall be stand deleted, provided that if on appeal he is acquitted by any competent court of law, and on an application made by him, his registration shall be restored by the Council.”।

১৩। Act No. XVI of 1980 এর section 30 এর সংশোধন।—উক্ত Act এর section 30 এর sub-section (2) এর পরিবর্তে নিম্নরূপ নূতন sub-section (2) প্রতিস্থাপিত হইবে, যথাঃ—

“(2) Whoever, after the date fixed by notification on the official Gazette by the council in this behalf, contravenes the prvision of sub-section (1), shall be punishable with fine which may extend to Taka Fifty thousand, or with imprisonment for a term which may extend to two years, or with both.”।

১৪। Act No. XVI of 1980 এর section 31 এর সংশোধন।—উক্ত Act এর section 31 এর sub-section (1) এ “Pharmacy” শব্দটির পর “Dentistry, Physiotheapy” শব্দগুলি সন্নিবেশিত হইবে।

১৫। নূতন section 32A এর সন্নিবেশ।—উক্ত Act এর section 32 এর পর নিম্নরূপ নূতন section 32A সন্নিবেশিত হইবে, যথাঃ—

“32A. Power to make rules.—The Government may, in consultation with the Council, make rules for carrying out the purposes of this Act.”।

১৬। Act No. XVI of 1980 এর section 33 এর সংশোধন।—উক্ত Act এর section 33 এর sub-section (2) এর clause (g) এর শেষ প্রান্তে অবস্থিত ফুলস্টপ এর পরিবর্তে সেমিকোলন প্রতিস্থাপিত হইবে এবং অতঃপর নিম্নরূপ নূতন clause (h) সংযোজিত হইবে, যথাঃ—

“(h) prescribing standards of professional conduct and etiquette and a code of ethics for medical and dental practitioners, and any provision made under this clause shall have effect notwithstanding anything contained in any other law for the time being in force.”।

প্রফেসর ড. ইয়াজউদ্দিন আহমেদ

রাষ্ট্রপতি

গণপ্রজাতন্ত্রী বাংলাদেশ।

তারিখ : ২৯-০২-১৪১৫ বঙ্গাব্দ
১২-০৬-২০০৮ খ্রিস্টাব্দ।

কাজী হাবিবুল আউয়াল
সচিব।

এ, কে, এম রফিকুল ইসলাম (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারি মুদ্রণালয়, ঢাকা কর্তৃক মুদ্রিত।
মোঃ আখতার হোসেন (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ ফরম ও প্রকাশনা অফিস,
তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।