



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-1909/2021-DC/PMC

Mr. Ghulam Mustafa Vs. Dr. Santosh Kumar & Dr. Khalid Hussain Daheri

Professor Dr. Naqib Ullah Achakzai	Chairman
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary
Expert of Forensic Medicines	

Present:

Dr. Santosh Kumar (67936-S)	Respondent No. 1
Dr. Khalid Hussain Daheri (60192)	Respondent No. 2
Hearing dated	26.10.2022

I. FACTUAL BACKGROUND

1. Mr. Ghulam Mustafa (the “Complainant”) filed a Complaint on 08.12.2020 against Dr. Santosh Kumar (the “Respondent No. 1”) and Dr. Khalid Hussain Daheri (the “Respondent No. 2”) working at Taluka Hospital, Sinjhor, Sanghar (the “Hospital”). Brief facts of the complaint are that:

The Respondent doctors have prepared fake medico-legal certificate for the patient/injured, with connivance at the Hospital, based on fake injuries. This has led to registration of baseless FIR against the Complainant.

II. SHOW CAUSE NOTICE TO RESPONDENT NO.1, DR. SANTOSH KUMAR

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2. In view of the allegations leveled in the Complaint, Show Cause Notice dated 17.03.2021 was issued to Respondent No. 1 in the following terms:

“... ”

4. **WHEREAS**, in terms of Complaint, it has been alleged that you issued a false and fabricated medical certificate in connivance with Dr. Khalid Hussain at Taluka Hospital at Sinjhoru City by applying a fake/fabricated incised wound on the head of the injured person named Tahmasib Saeed and as a result a fake FIR was lodged against the Complainant implicating injury under section 337A(ii), L(ii) of Pakistan Penal Code against the Complainant; and
5. **WHEREAS**, in terms of the Complaint, it has been alleged that you misused your official power and position with the aid of Dr. Khalid Hussain Dabri, a duty doctor at Taluka Hospital, Sinjhoru, to bring the injured person to Taluka Hospital, Sinjhoru on 13.09.2020 from your private clinic namely Manwani Clinic, Sinjhoru where you created the false wound in order to illegally issue a fake and fabricated provisional medico-legal certificate; and
6. **WHEREAS**, in terms of the Complaint, the medico-legal certificate issued by you was challenged before the special medical board PUMHSW, Shaheed Benazirabad, but you failed to appear and assist the Special Medical Board in examination of the injured person; and
7. **WHEREAS**, subsequently the District Health Officer, Sanghar formed an inquiry committee that concluded vide its findings dated 26.10.2020 that you issued the medico-legal certificate illegally and based on the findings you were issued an explanation dated 17.11.2020 stating that why not penalty may be imposed under Sindh Civil (E&D) Rules; and
8. **WHEREAS**, in terms of the Complaint no other patient was attended by you on 13.09.2020 except the alleged injured person. Furthermore, findings of the inquiry report also indicate that you attended the alleged injured person instead of duty doctor i.e. Dr. Khalid Hussain meaning thereby you prima facie abused your official power to issue a false medico-legal certificate on the day when you were not on duty; and
9. **WHEREAS**, in terms of the facts mentioned in the Complaint, such conduct is a breach of code of ethics and service discipline and amounts to misconduct. ...

III. REPLY TO SHOW CAUSE NOTICE BY RESPONDENT NO.1, DR. SANTOSH KUMAR



3. Respondent No.1, Dr. Santosh Kumar submitted his reply to Show Cause Notice on 31.03.2021, wherein he stated that:

- a. He was present in Emergency Department on 13.9.2020 when the injured Tabmasib arrived with police letter issued by P.S Sinjhora, requesting for medico-legal examination and certificate.
- b. Only two medical officers, myself and Respondent No. 2 were present in Emergency Department of the Hospital and both were supposed to perform the medico-legal examination and issue Medico-legal certificate and in case of emergency one doctor can provide medical cover to the patient having any emergency.
- c. He performed his duties to his best abilities and served the injured immediately. He obeyed all the directions of the department in respect of provision of Medico-legal services to every injured. No false/fabricated Medico-legal certificates have been issued and all these allegations are false.
- d. Regarding absence from the Special Medical Board, I was suspected with COVID-19 and accordingly conveyed the formal intimation to the Special Board. Later, he appeared before the Special Medical Board & submitted the Certificate. The Special Medical Board has maintained the Medico-Legal Certificate issued by me except reversing one injury from 337A(ii) to 337A(i) of PPC.
- e. Regarding the allegations of my alleged private clinic, it has been clarified that no private clinic of mine exists.
- f. The Complainant's Affidavit dated 22.03.2021 is being submitted which mentions that his grievances with me have been addressed, which had earlier led to this Complaint being filed. Further, the Complainant has no objection to the Show Cause Notice issued to Respondent No. 1, being withdrawn.

IV. SHOW CAUSE NOTICE TO RESPONDENT NO. 2, DR. KHALID HUSSAIN DAHERI

4. In view of the allegations leveled in the complaint, Show Cause Notice dated 17.03.2021 was issued to Respondent No. 2, in the following terms:

“4. **WHEREAS**, in terms of the Complaint it has been alleged that you allowed and facilitated Dr. Santosh in issuing a false and fabricated medical certificate at Taluka Hospital, Sinjhora city; and

5. **WHEREAS**, in terms of the Complaint it has been alleged that you being the duty doctor at Taluka Hospital, Sinjhora facilitated Dr. Santosh Kumar in misusing his official power and position to bring the injured person to Taluka Hospital from his private clinic namely Manwani Clinic, Sinjhora where



he created the false wound in order to illegally issue a fake and fabricated provisional medico-legal certificate; and

- 6. WHEREAS**, *subsequently the District Health Officer, Sanghar formed an inquiry committee that concluded vide its findings dated 26.10.2020 that as per Duty Roster/Casualty OPD register the alleged injured person was attended by Dr. Santosh on 13.09.2020 instead of you being the duty doctor which prima facie indicates that you facilitated and aided Dr. Santosh in preparing false/fabricated medico-legal certificate of the alleged injured person; and*
- 7. WHEREAS**, *in terms of the facts mentioned in the Complaint, such conduct is a breach of code of ethics ad service discipline and amounts to misconduct. ...”*

V. REPLY TO SHOW CAUSE NOTICE BY RESPONDENT NO.2, DR. KHALID HUSSAIN DAHERI

5. The Respondent No. 2 submitted his response on 16.05.2022, wherein he submitted that:

- a. *He was posted as Casualty Medical Officer performing Medico-legal duties at the Hospital but he was assigned work, through Notification of Ministry of Health, Sindh dated 25.01.2021, at Institute of Chest Diseases at Kotri District, Jamsboro, due to sudden rise in COVID-19 cases.*
- b. *Later, he was transferred from the Hospital to Institute of Chest Diseases, Kotri, Jamsboro through Notification dated 26.04.2021.*
- c. *He was present in Emergency department on 13.12.2020 when injured Tabmasib arrived with police letter issued by P.S. Sinjboro, requesting for medico-legal examination and certificate.*
- d. *Only two medical officers, myself and Respondent No. 1 were present in Emergency Department of the Hospital and both were supposed to perform the medico-legal examination and issue Medico-legal certificate and in case of emergency one doctor can provide medical cover to the patient having any emergency.*
- e. *Received an emergency telephone call, during the examination of injured regarding sudden serious illness of his father. He rushed and requested Respondent No. 1 to continue examination of injured. Respondent No. 1 conducted the examination, performing all codal and necessary formalities.*
- f. *He and the Respondent No. 1 were already present at the Hospital when the injured came with police to the Hospital, so the allegation creating false wound at private clinic is impossible and denied., being fake.*



- g. *The Complainant's Affidavit dated 22.03.2021 is being submitted which mentions that his grievances with me have been addressed, which had earlier led to this Complaint being filed. Further, the Complainant has no objection to the Show Cause Notice issued to Respondent No. 1, being withdrawn.*

VI. REJOINDER OF THE COMPLAINANT

6. Reply(s) received from the Respondent doctor were forwarded to Complainant for his rejoinder.
7. The Complainant did not submit any rejoinder However through his letter dated 25.06.2021, he conveyed his intention to not pursue the instant complaint any further. Complainant conveyed that neither does he wish to submit any rejoinder nor wishes to proceed any further in the present case.

VII. HEARING

8. After completion of codal formalities the matter was fixed for hearing before the Disciplinary Committee on 26.10.2022. Notices dated 24.10.2022 were issued to the Complainant and Respondent Dr. Santosh Kumar & Respondent Dr. Khalid Husain directing them to appear before the Disciplinary Committee on 26.10.2022.
9. On the date of hearing the Complainant remained absent, whereas both the Respondents appeared in person. Respondent No.1 stated that the Complainant has already withdrawn his complaint. Further he issued report honestly and professionally and there was no misconduct on his part. Respondent No.2 stated that he and Respondent No.2 were on duty on the day of incident. Since he was attending patients in Emergency therefore he requested Respondent no. 1 to examine and issue MLC to the injured.

VIII. EXPERT OPINION

10. An expert of forensic medicines was appointed to assist the Disciplinary Committee in this matter. The relevant portion of expert opinion is reproduced hereunder:

"1. Only one doctor was present in hospital.

2. Injury on head was not properly reported. After X-ray it should be corrected.

Doctors did same. In reporting it was only minor mistake.

I support fine to the doctors but penal erasure is very serious verdict.

Note:

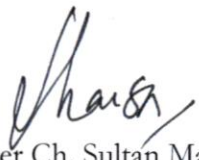
Considering education of Forensic Medicine in Pakistan, these mistake are likely, no training and education at undergraduate level.”

IX. FINDINGS AND CONCLUSION

11. The Disciplinary Committee has perused the relevant record, submissions of the parties and the expert opinion in the instant Complaint and has noted that in the instant case as noted by the expert it was a minor mistake on part of Respondent doctor. We have heard the Respondents in person and decide to issue warning to Respondent No. 1. We further direct him to properly explain the reports issued by him in future. Disposed of accordingly.


Mr. Jawad Amin Khan

Member


Barrister Ch. Sultan Mansoor

Secretary


Professor Dr. Naqib Ullah Achakzai

Chairman

22nd November, 2022