



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.8-1976/2021-DC/PMC

Dr. Naveed Ahmed (11986-D) Vs. Dr. Aiysha Farhat (63307-S)

Mr. Muhammad Ali Raza	Chairman
Dr. Anis-ur- Rehman	Member
Dr. Asif Loya	Member

Present:

Dr. Naveed Ahmed (11986-D)	Complainant along with Counsel
Dr. Aiysha Farhat (63307-S)	Respondent along with Counsel
Hearing dated	04.06.2022

I. FACTUAL BACKGROUND

1. Dr. Naveed Ahmed (hereinafter referred to as the “Complainant”) filed the instant complaint on 08.07.2021, against Dr. Aiysha Farhat (hereinafter referred to as the “Respondent”) for misconduct. The Complainant alleged that the Respondent doctor produced fake OPD slips regarding illness of her kids during proceedings of a court case to avoid meeting of the kids with the Complainant (father of kids). The Complainant requested that strict action be taken against Respondent doctor for her misconduct.

II. SHOW CAUSE NOTICE

4. In view of allegation leveled in the Complaint, a Show Cause Notice was issued to Dr. Aiysha Farhat on 07.10.2021 mentioning allegations in the following terms:

“...

4. **WHEREAS**, in terms of Complaint, it has been alleged that, you have produced fake OPD slips of Pakistan Red Crescent General Hospital, Unit. 06 Latifabad, Hyderabad regarding illness of Mr. Sudais and Mr. Azlan, on 23.12.2020 and 04.03.2021 respectively to delay court proceedings; and
5. **WHEREAS**, in terms of Complaint, the said OPD slips were verified, which was responded by the Pakistan Red Crescent General Hospital Unit. 06 Latifabad, Hyderabad as "Prescription issued on 23.12.2020 and 04.03.2021 is not issued by OPD Counter and no entry is found in record (Register Computer) for the said prescription; and
6. **WHEREAS**, in terms of the facts mentioned in the Complaint, prima facie, you have prepared and produced fake OPD slips for your personal benefit which is a violation of Code of Ethics in general and particularly Regulation 32. and 50. of the Code of Ethics of Practice for Medical and Dental Practitioners, Regulations, 2011.

III. REPLY TO SHOW CAUSE NOTICE

5. Dr. Aiysha Farhat submitted reply to Show Cause Notice on 08.11.2021 wherein she contended that:
- a. *The Complainant has challenged the receipts dated 23.12.2020 and 04.03.2021 by approaching your good office through the Complaint dated 08.07.2021, i.e. after lapse of 06 months and 04 months, respectively.*
 - b. *Letter of Red Crescent General Hospital dated 23.06.2021, referred by the complainant under the subject "TO WHOM IT MAY CONCERN" is neither addressed to the Complainant, nor to his Counsel. Furthermore, the said letter does not contain any reference number.*
 - c. *That, in order to reach the just and fair conclusion, it is informed that earlier I had filed suit for Dissolution of Marriage by way of Khulla and return of dowry articles which was allowed in my favor and also I filed Cr. Misc. Appl. U/S 491 CrPC for custody of minors which was also allowed in my favor where-after the Complainant has lost his senses and is trying to take revenge from me.*
 - d. *The Complainant by way of moving false and fabricated complaint is trying to pressurize, harass, threat and blackmail me to withdraw from the proceedings pending against him before concerned Court of law and intends to achieve his ulterior motives. The complainant is criminal minded person as such I obtained Khulla from him through Honorable Family Judge and he is after me to take revenge and is filing/moving complaints on one pretext to another.*

IV. REJOINDER

6. Reply received from the Respondent doctor was forwarded to Complainant through a letter dated 15.11.2021 for his rejoinder.
7. The Complainant submitted rejoinder on 29.11.2021. wherein he reiterated his allegations and further added that:
 - a) *It is vehemently denied that I narrated false story in complaint as I got certified true copies of aforesaid OPD Slips from the Family Court, Hyderabad and then sent legal notice through my counsel to Red Crescent Hospital, Hyderabad for verification.*
 - b) *Letter dated 23-06-2021 is genuine one. Further, your good office is authorized to verify the letter dated 23-06-2021 from Red Crescent Hospital, Hyderabad.*
 - c) *The respondent has leveled false allegations against me without any documentary evidence.*
 - d) *That, your good office has verified the status of OPD slips from Red Crescent Hospital, Hyderabad whereby the fakeness of OPD Slips is confirmed.*

V. HEARING

8. Hearing notices dated 18.05.2022 were issued to Complainant and Respondent directing them to appear before the Disciplinary Committee on 04.06.2022.
9. On the date of said hearing, the Complainant and the Respondent were present, in person, to avail the opportunity of hearing along with their respective Counsels.
10. The Respondent submitted that she has provided the Family Court, Hyderabad with real slips which have been appropriately signed by a doctor at the Red Crescent General Hospital, Hyderabad. These slips dated 23.12.2020 and 04.03.2021 were submitted in the Family Court, Hyderabad to appraise the father (present Complainant) and the Court regarding the ill health of the children and thus their inability to attend the Court for visitation with the father that day.
11. Respondent further submitted that she has not committed any misconduct by submitting any alleged fake slips in Court. The slips provided in Court are only not registered in the system i.e. not entered into the system of the Red Crescent Hospital and are otherwise authentic and duly signed by a doctor.

12. Respondent stated that the doctor who has signed the slips namely Doctor Nauman Ahmad Rajput, MCPS and is a chest specialist has also given her an affidavit attesting the fact that he has issued and signed the slips, later submitted in Court.

VI. FINDINGS AND CONCLUSION

13. The Committee after perusal of record and hearing the both parties has noted that the Complainant and the Respondent were earlier married and after the dissolution of marriage have fought a custody battle to decide the custody and visitation rights related to their two minor children. The custody and visitation of their minor children has been apparently settled in terms of the order of the Family Court, Hyderabad. The Respondent submitted medical slips dated 23.12.2020 and 04.03.2021 of the Red Crescent General Hospital, Hyderabad of both the minors, in the Family Court Hyderabad, conveying ill health of the children which has been alleged to further their absence from visitation with their father (present Complainant).

14. The issue, therefore, before this Disciplinary Committee is that Respondent presented in the Family Court, Hyderabad, medical receipts and those are claimed to be fake. To ascertain the authenticity of the medical slips/prescriptions in question, this Commission through its letter dated 12.08.2021 inquired from the Red Crescent General Hospital, Hyderabad, details of the doctor/medical officer who signed the said medical slips. In response, letter dated 23.06.2021 from the Red Crescent General Hospital, Hyderabad has conveyed that the prescriptions dated 23.12.2020 and 04.03.2021 for the two minor children each have not been issued by the OPD Counter and no entry is found in record (Record /Computer) for the said prescriptions.

15. Respondent has submitted that she has not committed any misconduct by submitting any alleged fake slips in Court. The slips provided in Court are only not registered in the system i.e. not entered into the system of the Red Crescent Hospital and however are otherwise authentic and duly signed by a doctor Nauman Ahmad Rajput, MCPS (chest specialist) and he has also given her an affidavit attesting the fact that he has issued and signed the slips, later submitted in Court.

16. This complaint rests on the allegation that the Respondent has produced fake OPD slips of the Red Crescent General Hospital, Hyderabad regarding illness of their minor children in a Court of

law. While perusing the record we wish to deal firstly, with the issue of jurisdiction in the above facts. The present complaint alleges that the cause of action arose in the Family Court, Hyderabad where the Respondent had submitted the impugned OPD slips. In such circumstances, the adverse conduct in a Court is regulated by legislation i.e. section 193 of the Pakistan Penal Code 1860. The relevant portion of which, is as under:

*“... 193. Punishment for false evidence:
Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding ...”*

17. Accordingly, the appropriate forum of jurisdiction for the Complainant in these circumstances was the Court in Hyderabad by invoking section 193 of PPC. The record before us reflects that the present Complainant had earlier moved two applications before the Judicial Magistrate vis-a-vis Contempt application under section 25, 45 (1) and 45 (2) of the Guardian and Wards Act and application to take cognizance under section 193 of PPC. The learned Court assumed jurisdiction of the applications, however, the same were dismissed by the learned Court through its Order dated 20.09.2021. Hence, this shows that the proper forum had already been engaged by the Complainant and a decision has been already delivered in the facts brought before this Disciplinary Committee.

18. Secondly, we wish to deal with the issue of the veracity of the OPD slips that have been allegedly prepared and submitted by the Respondent in Court. The learned Judicial Magistrate, being the appropriate forum to deal with false evidence produced intentionally during the course of proceedings before court, in his order dated 20.09.2021 has given observations that:

“... Admittedly, the subject OPD slips if so produced were not given in evidence on oath, nor the same were prime facie intended to be produced in evidence during judicial proceedings to obtain favourable judgement rather per own contention of applicant those were only submitted for obtaining adjournment, which is otherwise, any of the party to the case is entitled to seek and the Court is empowered to grant without any proof, if the Court is satisfied that the necessary circumstances so warranted. ...”

“... moreover there is no any mens rea on part of opponent/respondent, present in this case to commit the alleged offence of fabricating false evidence as punishable under section 193 PPC, 1860, for taking the cognizance of same by the court....”

“.....Whereas, it is now well settled principle by the superior court that the cognizance of offence under section 193 Pakistan Penal Code, 1860, can only be taken by the same presiding officer before whom the alleged offence if any was committed or trial was conducted/ concluded even, the successor of the same court is not authorize to take the cognizance of such like offence, in support of my view I would lay my reference on



very enlightening case of Honorable High Court of Sindh @ Karachi, as reported in 2020 PLD Page No.719, Karachi-High-Court-Sindh."

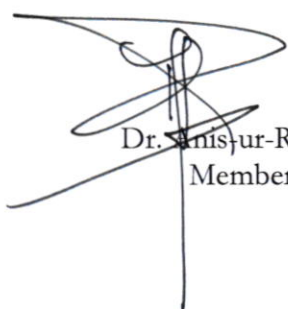
Therefore, it is abundantly clear that the present issue of fake medical slips has already been taken cognizance of by the proper forum as per statute and a pronouncement has also been already made by the competent forum, in the same facts and circumstances.

19. Notwithstanding the above, it is abundantly clear from the facts of the case that both the Claimant and Respondent are at loggerheads over the custody of their minor children and primarily visitation rights where the custody of the children currently rests with the mother. It is unfortunate to say the least that two educated medical practitioners are unable to amicably resolve differences which in turn will have serious adverse effect on their children and such conduct on the part of both the parties does not bode well for their minor children. Children require the attention and presence of both parents and warring parents only render the children open to psychological trauma. Institution of such frivolous complaints in the context of the visitation dispute clearly represent a desperation on the part of the parties to pressurize the other, where such matters can easily be amicably resolved, if for no other reason than for the ultimate and paramount benefit and interest of the minor children.
20. The Committee in this context warned both parties not to indulge in such frivolous matters in the future and instead set an example for all parents to find an amicable resolution expected of loving parents and educated individuals. As alternatively such complaints would result in imposition of penalties on one or the other, which would only complicate the already acrimonious relationship between the parties, as well as causing them both to fail to achieve professionally what they have been trained to do. Both parties in this context requested the Committee an opportunity to discuss their matters/issues aiming to reconcile their differences. This Committee allowed the joint request of the parties and made arrangement of their meeting in a separate room, to assist in a genuine attempt at resolution of the core dispute.
21. After some time, the Complainant and the Respondent jointly informed the Committee that they have addressed their issues and wish to engage constructively in the future by way of working out mutually reasonable timings of visitation by the father in a manner that his ability to spend time

with the children is not limited and he is able to spend quality time with both the children including holidays subject to coordination between the two parents in an non adversarial manner and keeping the long term interests of the children in mind. The Complainant submitted that in view of the Respondent's willingness to communicate and resolve their difference amicably for the sole benefit of their children, he does not wish to pursue his Complaint anymore against the Respondent and likewise the Respondent also stated before the Committee that she does not have any grievance against the Complainant.

22. Keeping in view the final statement of the Complainant for non-prosecution of his present complaint, the statement of the Respondent and the earlier orders of the competent Court, as discussed above, the present Complaint has become infructuous and does not warrant any action by the Disciplinary Committee. The Committee would like to record its appreciation of the effort made by both parties to resolve their actual dispute for the benefit of their children and hope that they will continue to employ amicable ways of communicating and resolving issues as and when they may appear for the sake of their children's future; for it is children who are paramount to our collective tomorrow.

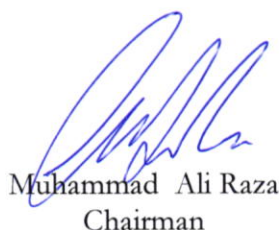
23. Accordingly, the present Complaint is disposed of.



Dr. Anis-ur-Rehman
Member



Dr. Asif Loya
Member



Muhammad Ali Raza
Chairman

20th July, 2022