



## BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF.8-2009/2021-DC/PMC

Suo Moto Disciplinary Proceedings against Dr. Muhammad Tahir, Dr. Allah Rakhio, Dr. Nadeem Ahmad, Dr. Saeed Ahmad, Dr. Ejaz Ali Chaudhry, Dr. Amer Aziz, Dr. Farid Ullah Khan Zimri and Dr. Usama Khalid Choudry

Mr. Ali Raza  
Dr. Anis-ur- Rehman  
Dr. Asif Loya

Chairman  
Member  
Member

*Present:*

- |   |            |
|---|------------|
| 1. Dr. Muhammad Tahir (50384-S)         | Respondent |
| 2. Dr. Ejaz Ali Chaudhry (2366-AJK)     | Respondent |
| 3. Dr. Allah Rakhio (12540-S)           | Respondent |
| 4. Dr. Usama Khalid Choudry (75115-P)   | Respondent |
| 5. Dr. Amer Aziz (1865-P)               | Respondent |
| 6. Dr. Farid Ullah Khan Zimri (33307-P) | Respondent |
| 7. Dr. Nadeem Ahmad (33482-S)           | Respondent |
| 8. Dr. Saeed Ahmad (40910-S)            | Respondent |

Hearings dated

10.12.2021 & 15.01.2022

### I. FACTUAL BACKGROUND

1. Information was received by the Disciplinary Committee of PMC on 14.09.2021 that Respondent No. 1-8 managed to publish an article titled "Negative pressure wound therapy versus conventional dressing for open fractures in lower extremity trauma: a multicentre randomized

controlled trial” in the “Bone & Joint Journal” (BJJ) in June, 2020. Allegedly Respondent Nos. 1-8 published the said article on the basis of data already published in the WOLFF trial particularly with regard in the standard dressing group. The authors were invited by BJJ to provide the reasoning behind the selection of the primary outcome measure, as well as timeline for the data capture to try and understand how the number of patients was the same in both groups (i.e.243 in each). The authors were also asked to make their original dataset available to the Editor-in-Chief. However, the the Respondent failed to provide data and satisfy the concerns of BJJ . The said article was later on retracted/ removed from the official website of the BJJ by the editorial board of the said journal on account of plagiarism.

## II. SHOW CAUSE NOTICE

2. In view of the above information, Show Cause Notices were issued to Respondent doctors on 15.09.2021 mentioning allegations in the following terms.
3. **WHEREAS**, it has come to the knowledge of the Disciplinary Committee that Respondent Nos. 1-8 managed to publish an article titled “Negative pressure wound therapy versus conventional dressing for open fractures in lower extremity trauma: a multicentre randomized controlled trial” in “The Bone and Joint Journal” in June, 2020; and
4. **WHEREAS**, the said article was later on retracted from the official website of “The Bone and Joint Journal” by the editorial board of the said journal on account of plagiarism. The contents of retraction notice are reproduced for ready reference.  
*“The Bone & Joint Journal was made aware of concerns about the similarity of these data to those published in the WOLFF trial particularly with regard in the standard dressing group. The authors were invited to respond to the letter and were asked for some further basic information, such as the reasoning behind the selection of the primary outcome measure, as well as timeline for the data capture to try and understand how the number of patients was the same in both groups (i.e.243 in each). The authors were also asked to make their original dataset available to the Editor-in-Chief. After many interactions with the authors, they were unable to provide any corroborating evidence to support the trial. Consequently, the matter was discussed and given full consideration at a meeting of the Journal’s editorial board and there is no longer confidence in the integrity of the published data. The Editor-in Chief has therefore retracted this paper”;* and

5. **WHEREAS**, in terms of the facts mentioned above, Respondent Nos. 1-8 published the said article on the basis of data already published by some other person and were found involved in plagiarism. Such act of plagiarism committed by the respondents as per findings of the Editorial Board of the Bone & Joints Journal amounts to misconduct on part of Respondent Nos. 1-8 and is prima facie a breach of Code of Ethics in general and particularly declaration at the time of registration, clause (g) of Regulation 3, clause (f) of Regulation 15, clause (b) of Regulation 49 and sub-regulation 1 of Regulation 50 of Code of Ethics of Medical and Dental Practitioners.

### III. REPLY TO SHOW CAUSE NOTICE:

3. Dr. Allah Rakiyo Jamali in response to Show Cause Notice submitted his reply dated 12.10.2022 wherein he stated that:
- I have retired and left office. I do not have any record. I even do not remember whether I had consented or not for this article.
  - Dr. M Tahir the lead author will be submitting a detailed response incorporating prepublication and post publication events and results of analysis with antiplagiarism software to show that there was no plagiarism.
4. Respondents Nos. 1-8 submitted a joint reply on 21.10.2021 wherein they stated:
- That no plagiarism was committed by the respondents while publishing article in the Bone and Joint Journal (BJJ) in any manner whatsoever.
  - That an independent plagiarism check was conducted and the similarity to the WOLFF trial was 05% which does not constitute to plagiarism as software also counts similar citations or references, nouns, pronouns, and various sentences under umbrella of similarity index. Plagiarism report of the final submitted version that was published by BJJ is attached.
  - That, to perform this endeavor and obtaining a large sample size a multicenter approach was undertaken, this not only allowed us to make the study more feasible but allowed us to present a heterogeneous data. However, there was a downfall. Pakistan is a third world country where the government does not have sufficient funds and the infrastructure to conduct large trials, therefore, it is an individual or an institutional effort without any funding. We do not have a proper framework of research such as National Institute of Health Research (NIHR) in the UK that funds and oversees trials in the UK. Therefore, our trial being the first multicenter trial was a sincere and honest steppingstone towards an organized research network.

- d) That once the study was completed, in September 2019 Dr. Tahir met with principal investigator (PI) of the WOLFF trial at the British Orthopedic Association Annual Congress and asked for suggestions regarding the manuscript of the study. However, at that time Dr. Tahir and neither anyone else knew about the WOLFF trial nor its PI as the WOLFF trial was published in 2018 by JAMA surgery.
- e) That Prof. Costa the principal of the WOLFF trial suggested that the study should be submitted in The Bone and Joint Journal (BJJ) as it will be received with open arms. Enclosed is the email correspondence of Dr. Tahir with Prof. Costa if the study was plagiarized, then the similarities would have been spotted by Prof. Costa. Secondly, at the time of submission, all journals subject the submitted manuscript for plagiarism check and if found plagiarized the article is rejected before proceeding to the review stage.
- f) Thirdly at the time of revision the Editor-in-Chief personally requested the authors to cite the WOLFF trial for its cost-effectiveness in the discussion as our trial was validating the British WOLFF trial.
- g) That the study was available to the readers for almost a year and has been cited by various scholars worldwide.
- h) That the purpose of having disability rating index as the primary outcome measure in both studies is because of its user-friendly nature for the participant and easy method of inference by a simple arithmetic sum DRI is a go to instrument for disability. Furthermore, currently orthopedic research revolves around patient reported outcome measures (PROMS) i.e. quantitative data which easier for the patients to comprehend instead of qualitative data, therefore, we also opted a similar approach for the study.
- i) That pivotal question why our study validated the results of the WOLFF collaborators is quite simple, after the injury patient is not at its pre-injury or a baseline level and the DRI is well high, secondly once the healing process starts, the DRI declines in a predictable fashion if there are no untoward events such as any complication and within a year or two the DRI is near to a pre-injury state.
- j) During prepublication process, neither journal, nor any reviewer raised concerns or inquired about plagiarism. Neither the journal asked the authors to provide them data at the time of review. Annexed are 26 major differences which can easily suggest that Tahir did not duplicate the WOLFF trial but reached a similar conclusion in an objective manner.

#### IV. 1<sup>ST</sup> HEARING DATED 10.12.2021

5. Notices dated 29.11.2021 were issued to Dr. Muhammad Tahir, Dr. Allah Rakhio, Dr. Nadeem Ahmad, Dr. Saeed A. Sheikh, Dr. Ejaz Ali, Dr. Amer Aziz, Dr. Farid Ullah Khan Zimri and Dr. Usama Khalid Choudry (Respondent/s), directing them to appear before the Disciplinary Committee on 10.12.2021.
6. Respondent Dr. Muhammad Tahir, Dr. Allah Rakhio, Dr. Nadeem Ahmad, Dr. Saeed A. Sheikh, Dr. Amer Aziz and Dr. Farid Ullah Khan Zimri appeared in person along with their counsel Mr. Tariq Marwat Advocate, whereas Respondent Dr. Usama Khalid Choudry and Dr. Ejaz Ali availed the opportunity of hearing through zoom.
7. The Committee asked about the background of the research, who initiated the research and involvement of each Respondent. Respondent Dr. Tahir stated that, the research was conducted because there are a lot number of trauma cases in hospitals with a number of complications and this was the need of time that there must be an intervention which is cost effective and evidence based. In the past few years, negative pressure therapy is widely used. Chinese negative pressure therapy cost around PKR 35 thousand per session whereas the American/British costs more than PKR 75000 per session depending on the size of the wound and injury. Respondent Dr. Tahir further stated that patients of public sector hospital cannot afford any costly procedure and that is how they developed the idea of the said study. The study was conceptualized by him while he was doing his rotation in Jinnah Postgraduate Medical Center (JPMC) as a trainee in 2016. He discussed the idea in the hospital in morning meeting and that's where the idea of this study came from. He also discussed the idea with Dr. Ejaz who was trainee at Ghurki Trust Teaching Hospital at that time. To reach maximum number of patients with fracture they also coordinated with Ghurki Trust Teaching Hospital and Private Hospital of Dr. Faridullah Khan Zimri in addition to JPMC. Further stated that this study was not funded by any other body and that it was a self-funded study by the authors.
8. Respondent Dr. Tahir further stated that the main measuring tools of the study includes, disability rating index scale and visual analog scale, as these are the commonly used scales to determine any disability since 1994. The study was started in 2016 and completed in 2018 and then they started the analysis. Respondent Dr. Tahir stated that Dr. Usama did the statistical analysis of this study

and the rest of the study was done through free tools available online. The study was submitted to BJJ in 2019 and got accepted by BJJ in early 2020 without any objection. Further stated that they received a letter in early 2021 from Editor –In chief of BJJ whereby someone has compared the graph of their study and another study published as WOLLF study, in addition to the concern that how the study has been undertaken without funds.

9. The Committee asked Respondent Dr. Tahir about the possession and availability of data to which he responded that all the process of the study was done manually and there was no proper storage available for data. As self-taught researchers they were not aware of the fact that they need an encrypted server to upload the data. Further stated that the data was available in JPMC hospital but as he was not permanent employee of the hospital so he could not keep the data. When they gave the protocol to the Ethics Committee they informed the Ethics Committee that they will destroy the data after 2 years of recruiting the patient.
10. The Committee inquired if destroying the data after 2 years was the requirement of the Ethics Committee or otherwise. Respondent Dr. Tahir responded that it was not the requirement of the Ethics Committee, rather the reason was that they did not have the storage capacity for storing the data of the study. He further stated that he had the SPSS files of data/analysis till April 2020 but his laptop got hacked twice during that period and he lost the data. The Committee inquired that being such essential data did he store the data on cloud or any other source, to which he responded that he did not store anywhere else.
11. The Committee asked Respondent Dr. Tahir to provide the SPSS files/data/analysis to which he responded that the same was done by Dr. Usama. When Respondent Dr. Usama was inquired, he also stated that his laptop was also hacked and he has lost the said data.
12. The Committee inquired Respondent Dr. Usama about his role in the study to which he responded that Dr. Tahir collected the data, sent it to him for analysis, and after analysis he sent the data back to Dr. Tahir through his Gmail account. Respondent Dr. Usama was asked to provide the data from Gmail account to which he responded that his Gmail ID got hacked which was later on recovered but there were no mails and data. The Committee asked whether he contacted

Gmail/Google for recovery of his lost mails and data, his answer was negative. Same stance was taken by Respondent Dr. Tahir when he was asked to provide the emails exchanged with Respondent Dr. Usama regarding data analysis. The Committee directed Respondent Dr. Usama and Dr. Tahir to provide their Gmail/Hotmail ID along with a consent letter for writing to the respective companies for recovery of old mails. Both Respondent doctors agreed to provide the Committee the requisite information and the consent letter for retrieval of data from their respective email accounts.

13. The Committee asked Respondent Dr. Amer Aziz being chairperson of the Ethics Committee about destroying the data after 2 years, to which Dr. Amer Aziz responded that the approval letter is already on record and the Ethics Committee never gave any such approval of destroying the data after 2 years.
14. The Committee further asked Respondent Dr. Tahir as to how did they determine the time period of two years for destroying the data to which he responded that it was their protocol for this study which was submitted to the BJJ. The Committee directed to place on record those correspondence with BJJ.
15. The Committee asked whether they obtained consent of the patients who participated in the research, Respondent Dr. Tahir explained that they have taken the consent on the prescribed forms however those were destroyed later on. It was pointed out by the Committee that the consent forms of patients for participation in research is not a voluminous document that was destroyed for non-availability of storage space, however, the Respondents had no satisfactory justification on the observation of the Committee.
16. The Committee inquired Respondent Dr. Amer Aziz that whether as a chairman of Ethics Committee he pointed out such shortcomings about the study/data. He stated that he had seen the protocols and was satisfied with the study. The Committee inquired Respondent Dr. Amer Aziz about the technique of the study undertaken to which he responded that he was satisfied with the technique and methodology of the study. The study was duly approved by the editorial board of BJJ and 2 years later it was retracted on a complaint. He further stated that out of 486

patients 250 were from his institute i.e. Ghurki Trust hospital. The Committee asked Dr. Amer Aziz to provide the data of those 250 patients to which he agreed. Respondent Dr. Amer Aziz further stated that the WOLFF study was conducted much later than this study, in addition there are 26 differences in WOLFF study and the study in question.

17. The Committee clarified all the Respondents that the fundamental questions involved in this case is whether the data exist on the basis of which study was carried out to address the allegation of plagiarism against them. Therefore, the Respondents were required to provide the complete data to substantiate their claim that the study was completed before the wolf trial and study is supported by the data collected by the Respondents.

#### **Letters to Respondents to submit data used for Study**

18. Pursuant to hearing, letters dated 17.12.2021 were issued to all the Respondent doctors directing them to provide following information/record within 15 days:

- i. Submission of complete data by Prof. Dr. Amer Aziz, Dr. Farid ullah Khan Zimri, Dr. Saeed Ahmad and Dr. Nadeem Ahmad in respect of patients of their respective hospital, which was used for research and publication of article in the Bone & Joint Journal.
- ii. Submission of all consent form filled/signed by the patients, by Dr. M. Tahir, Dr. Usama Khalid Choudry and Dr. Ejaz A chaudhary which was used for the purpose of research / publication of article.
- iii. Submission of consent letter by Dr. M. Tahir and Dr. Usama Khalid Choudry to seek retrieval of data by PMC from their respective account with gmail and hotmail.

19. In addition, a letter dated 16.12.2021 was also issued to Executive Director, JPMC, Karachi directing him to provide the complete data of patient of JPMC used by the Respondent doctors for the purpose of research and publication of the aforesaid article within 15 days.

20. No response was received from the Respondents, therefore through letter dated 30.12.2021 all the Respondents were once again directed to provide the following documents by or before 10.01.2022 for assistance of Disciplinary Committee:

- i. Hard copy of all data of study published in Bone & Joints Journal
- ii. Soft data & statistics report of the study



- iii. Proposal of study submitted to Ethics Committee for approval
- iv. Approval of study by the Ethics Committee
- v. Any other relevant documents/data pertaining to the study

## **Response of Respondents**

21. In reply to above-mentioned letters, the Legal Counsel for the Respondents submitted a joint response on behalf of all the Respondents on 14.01.2022. Summary of the joint response of the Respondent is given as under:

### Individual Roles of Respondents

- a) Dr. Muhammad Tahir did the initial background research on the topic, designed the methodology of the study, wrote the synopsis of the study, wrote the initial draft of the manuscript, and communicated with the journal during review stage and during pre-publication stage and edited the draft as per reviewer comments.
- b) Dr. Ejaz Ali Chaudhary did the initial background research on the topic, obtained the approval from IRB, supervised people that collected data from his institute. Reviewed the manuscript and edited the manuscript.
- c) Dr. Farid Ullah Khan Zimri conducted the investigation from his private practice and followed the patients, collected data, and managed logistics in Islamabad.
- d) Dr. Nadeem Ahmad and Dr. Saeed Ahmad Sheikh supervised people that collected data from their institute. Followed the study protocol and validated the Gustilo grading of the patients.
- e) Dr. Usama Kalid Choudry assisted in fine-tuning of the final study protocol and did the analysis for the study and made tables and graphs. Wrote the initial draft of the manuscript.
- f) Professor Amer Aziz was the chairman of the IRB committee of his institute and approved the study, gave the logistical support to the department and also validated the Gustilo grading.
- g) Professor Allah Rakhiyo Jamali was the head of department and recommended the protocol for IRB approval, provided logistical support, and validated the Gustilo grading.

### Response to Submission of Consent Letter to Seek Retrieval of Data from Email Accounts by PMC from Dr. Muhammad Tahir and Dr. Usama K. Choudhry

- a) With reference to the DC hearing on 10.12.2021 when inquired from Dr. Usama regarding the exchange of information Dr. Usama under stress stated that the data was transferred via emails or WhatsApp. Whereas, during the entire project there was exclusively a physical exchange of data, and no electronic transfer of data took place. Therefore, we apologize to the committee for issuing such a statement as there was a

significant mental stress during this entire incident and we humbly request that the record should be corrected.

- b) In addition, enclosed is the dataset of the trial therefore further requirement for the consent of the emails is invalid. Finally, emails are a personal property and an invasion to privacy furthermore adding an undue mental stress, and any information later can be abused or leveraged against us. Therefore, on advice of legal counsel we do not consent to this request by PMC.

#### Data Provided by Prof. Dr. Amer Aziz

- a) Dr. Amer Aziz signed the IRB/ethical committee approval. After the Ethics Committee gave the go-ahead for the study's methods and so on, they don't get involved anymore. There is no set rule about how long the data should be kept.
- b) The list of all the patients who had a compound fracture of the lower leg and reported to Ghurki Hospital during the study period 2016/17/18 is enclosed. There were 337 people on the list. They don't have a list of the people who took part in the study.

#### Data Provided by Dr. Farid Ullah Khan Zimri

- a) During the period of 2016 and 2017, I was able to recruit around 37 patients of my private clinic for the trial. In addition, the clinic where I have my private practice has a limited resource for record storage, enclosed is the letter from the administration with regards to the data.
- b) As per the protocol of the trial, the maximum timeline to preserve the data after recruitment of the participant was 2-years from the time of the recruitment.

#### Data Provided by Dr. Saeed Ahmad and Dr. Nadeem Ahmad

- a) The orthopedic department at JPMC consists of two units and patients from both the units were recruited for the trial between 2016 and 2017. Enclosed is the list of potential patients for the trial that were admitted in one of our unit. However, we cannot identify which patient was part of the trial as the case sheet was entirely anonymous.
- b) In addition, unfortunately, we were unable to retrieve the entry register of second unit and the outpatient records from the fracture clinics and OPDs of both units as most of our data has been misplaced and discarded during relocation of the department to the new surgical complex in March 2021.
- c) Enclosed are the letter on various occasions from the Medical Records & Statistics Section (MRSS) department for further clarification.

#### Data Provided by Dr. Muhammad Tahir, Dr. Eiaz A. Chaudhary, and Dr. Usama K. Choudhry

- a) As per protocol of the trial, all study records were to be discarded two years later to protect patient confidentiality. Furthermore, as stated by MRSS department that due to lack of storage, the data is stored for a maximum of three years and can be discarded by

putting the case sheets in an incinerator. Therefore, we do not possess any consent forms, nor any case record forms mainly because of two reasons:

- b) To best of our knowledge, there was no statement about how long a researcher can keep data after publication on the journal's website or any other platform at the time of submission of our study. Secondly, because the data is the hospital's property, if the main author is not a faculty member or a permanent employee of the institution, he cannot store the data in his laptop or any other storage location.

22. Respondent Dr. Amer Aziz in a separate response to directions of Disciplinary Committee dated 10.12.2021, submitted his reply on 04.01.2022, wherein he reiterated the version taken in joint reply submitted by the Legal Counsel of the Respondents.

#### V. 2<sup>ND</sup> HEARING DATED 15.01.2022

23. The matter was again fixed for hearing before the Disciplinary Committee on 15.01.2022. Respondent Dr. Muhammad Tahir, Dr. Allah Rakhio, Dr. Nadeem Ahmad, Dr. Saeed A. Sheikh appeared in person along with their learned counsel Mr. Tariq Mehmood Marwat, Advocate. Whereas, Respondent Dr. Amer Aziz, Dr. Farid Ullah Khan Zimri, Dr. Ejaz Ali and Dr. Usama Khalid Choudry attended the hearing through zoom.

24. During the hearing the Committee heard and discussed the legal issues raised by the Legal Counsel which will be duly addressed in the succeeding paragraphs under the head of Findings and Conclusion.

25. The Committee referred to the change in stance of Respondent Dr. Tahir and Dr. Usama in written statement/response dated 14.01.2022 wherein it was stated *"With reference to the DC-PMC hearing on 10.12.2021 when inquired from Dr. Usama regarding the exchange of information Dr. Usama under stress stated that the data was transferred via emails or WhatsApp. Whereas, during the entire project there was exclusively a physical exchange of data, and no electronic transfer of data took place. Therefore, we apologize to the committee for issuing such a statement"*. Respondent Dr. Usama stated that his e-mail ID was hacked and after recovery of the e-mail ID there were no mail regarding exchange of such study data, so they realized that the data must not have been exchanged through e-mails but was stored in USB. The

Committee asked where is that USB and how did he send USB to Dr. Tahir, he responded that it was not USB.

26. Respondent Dr. Usama further stated that he was based in Islamabad at the time of study. The data was collected by Dr. Ejaz and Dr. Tahir and they formed the data sheet. Dr. Ejaz came to Islamabad and gave data to him in USB for analyzing. The Committee asked to Respondent Dr. Usama about the USB to which he stated that he does not have the USB. He further stated that he analyzed the data and made the chart and graph which were sent through email, and those emails are still available. The Committee asked why those emails have not been produced, Respondent Dr. Usama failed to give satisfactory answer and stated that charts and graphs are available in the article.
27. The Committee required Respondent Dr. Usama to enlist the data in his possession to which he responded that he is in possession of tables and graphs and charts prepared after analysis for data provided to him by Dr. Tahir and Dr. Ejaz. Further, a hard copy of the excel sheet has been recovered from the house of Dr. Ejaz during these hearing proceedings which is already submitted to the Committee.
28. The Committee inquired from Respondent Dr. Tahir about the raw data of the patients, in response to which he referred to an excel sheet attached to the reply which he confirmed is the raw data used to conduct study for publication in BJJ.
29. The Committee asked Respondent Dr. Tahir that who else was involved in collection and preparation of raw data. Respondent Dr. Tahir stated that it was him and Dr. Ejaz who were involved in preparation of data. Responsibility of Dr. Ejaz was to the extent of collection of patients' data from Ghurki Trust Teaching Hospital, whereas the coding part was done by Dr. Usama. Respondent Dr. Tahir and Dr. Usama kept on referring to Dr. Ejaz again and again. The Committee tried to engage Dr. Ejaz several times who was available through zoom. However, the Respondent doctor remained non-responsive to the questions asked by the Committee although he remained logged in to zoom meeting throughout the hearing.

30. The Committee specifically asked Respondent Dr. Tahir to enlist the data in his possession. He responded that he has the sample of consent form, protocol of study, and the results shared by Dr. Usama through email. Respondent Dr. Tahir further stated that data collection at JPMC, Karachi was done by him under supervision of Dr. Saeed Ahmad who asked the other postgraduate students to fill in the form and then he transferred that data to the excel sheet. Respondent Dr. Saeed Ahmad clarified that Dr. Nadeem Ahmad, Dr. Tahir and himself collected the consent forms and performa from patients through other postgraduate students and handed over them to Dr. Tahir.
31. The Committee inquired Respondent Dr. Farid Ullah Zimri regarding the data to which he responded that he provided data of patients of his private clinic for the study. Further stated that, Dr. Tahir used to visit his clinic for assistance of surgeries. All the original data/consent forms/sheets were handed over to Dr. Tahir.
32. The Committee asked Respondent Dr. Tahir about the sheets provided by the clinic of Dr. Farid Ullah Zimri. He responded that, he placed those sheets in the OPD of JPMC as he did not have the place for its storage and had informed Dr. Saeed about placing the data in the OPD. The Committee asked Respondent Dr. Saeed that whether he was informed by Dr. Tahir about placing the data in OPD of JPMC, he simply denied.
33. The Committee asked Respondent Dr. Tahir whether he informed the hospital administration of JPMC about placing of record in OPD. His reply was that he did not inform the hospital administration about placing of record in its OPD.
34. The Committee asked Respondent Dr. Amer Aziz about his role and approval of final draft to which he responded that he only approved the ethical aspects of the initial proposal. He has never seen any final draft nor did he approve it. Further stated that, he came to know when it was published.
35. The Committee inquire Respondent Dr. A.R Jamali about his role and approval of final draft to which he responded that he did not see final draft of the study nor did he approve the same.

36. The Committee also asked Respondent Dr. Farid Ullah Zimri about his role and approval of final draft to which he responded that he didn't receive any final draft.
37. The Committee inquired if the Respondents/Legal Counsel want to add something to the hearing to which the Legal Counsel responded that the Show Cause Notice may be withdrawn on humanitarian basis.

## **VI. LETTER TO EDITOR IN CHIEF OF THE BONE AND JOINT JOURNAL AND HIS RESPONSE**

38. The Commission vide email dated 17.01.2022 requested the Editor in Chief of BJJ to provide the following information/record.
- i) Stance taken by the authors before the Editorial Board of BJJ and communication made by the BJJ with the authors; and
  - ii) Detailed reasons of the Editorial Board of BJJ for recommendations of retraction.
39. The Editor in Chief of BJJ through email dated 26.01.2022 provided a summary of correspondence which took place between Respondent Dr. Tahir and the BJJ on the issue of plagiarism and later retraction of study/article. The sequence of events is as follows:

### **A. 1 March 2021**

The Editor-in-Chief wrote to Dr. Tahir et al after having received a letter to the editor concerning their article published in the July issue of BJJ in 2020. Following main concerns were outlined in the letter.

1. Highlighted the high similarity between this trial and the WOLFF trial. For example, it used the same study design, eligibility criteria (open lower limb fractures with wounds that could not be closed following initial debridement), interventions, primary outcome (Disability Rating Index at 12 months), secondary outcomes (e.g. Short Form-12, deep surgical site infections at 30 days) and follow-up intervals (3, 6, 9, and 12 months).

2. Asked how the authors overcame the issue of consent and how all patients were randomized (due to the consent issue the WOLLF trial lost 26% of patients)
3. Queried timing - WOLLF trial protocol published in September 2015 and recruitment for this trial began in 2016, very soon after protocol publication.

Editor -in-Chief also asked for the following:

1. Ethical Committee submission and approval
2. Reasoning behind the choice of primary outcome measure
3. Timeline for data capture.
4. When were these developed and finalised and was there a particular inspiration from another study?
5. Expansion of the study population, specifically how did it end up so much larger than planned and how was it orchestrated so that you ended up with 243 in each group?
6. Asked for confirmation that all patients received the allocated treatment or was the analysis on an intention to treat basis.
7. Raw data for the trial

#### **B. 29 March 2021**

Dr. Tahir responded through email dated 29.03.2021 stating *“we are waiting for the higher authorities to allow us to share the data with you. As all the patient data is protected by the federal data protection act we are waiting for the federal government to response. Apart from that everything is ready to go”*.

#### **C. 23 April 2021**

Dr. Tahir responded through email dated 23.04.2021 to state that similarities in trial design and data reported in the study and WOLF are coincidental. Email contained 3 attachments – letter, Randomized Control Trial study protocol (with sections redacted) and the dissertation (with sections redacted). The authors declined to share the trial data citing privacy concerns.

BJJ while commenting on the dissertation has mentioned that a number of inconsistencies around the dissertation submitted by Dr. Tahir in his email gave rise to a concern that the original dissertation might have been edited more recently to include DRI data. A copy of the dissertation abstract sourced independently from the Library of the College of Physicians & Surgeons Pakistan differs substantially from the abstract included within the submitted dissertation. Instead, the

independently sourced abstract faithfully describes the 100-patient case series described in the subsequent paper. The outcome is simply "wound size" and there is no mention of the DRI.

#### **D. 24 May 2021**

Editor in Chief in his email dated 24-05-2021 expressed surprise at the delay in providing such basic material and also asked for. Editor in Chief particularly asked clarification why so much was redacted in thesis.

#### **E. 26 May 2021**

Dr. Tahir replied on 26-05-2021 regarding the redactions in full thesis that the only thing redacted was the name and identifiers of the investigators like contact no or training no. Dr. Tahir explained the reasons as to why their sample size got larger than expected. He stated that when data were gathered for analysis we got a higher number than anticipated but all patients fit the criteria and we considered it an advantage rather than a problem. If it is important for BJJ that only the original number of planned patients is analyzed, we are happy to reanalyze the data for you.

Dr. Tahir explained the *“data protection rules in Pakistan and stated that the rules regarding sharing of data of patients are in more of a grey area, we are not quite sure as to where it stands against the law. When you requested the raw data, I contacted all the institutional heads for permission to send the raw data. I was denied permission, furthermore, I did come across an updated data protection bill 2020 online, which stated that cross-border transfer of data is now allowed. I am not sure as to where we stand here but I am afraid to break the law and then have repercussions about it. Since it was not clear to me as if I can or cannot, I choose to not share to stay in safe side”*.

#### **F. 29 May 2021**

Pursuant to further correspondence with Dr. Tahir following a tele conference with his co-authors he sent an email on 29 May 2021 to Editor-in-Chief to state that *“the authors have discussed the case and we feel that the article does need considerable improvements and revisions to make sure the discrepancies can be addressed, and we can also work on supplying you with the supplementary raw data sheet for your independent analysis without facing any problems with going against the institutional policy. Furthermore, the difference in the intended patient recruitment and over recruitment in the trial also needs to be evaluated and corrected if need be.*



*If it is not too late to ask, would it be possible for the authors to ask for a self-retraction of the paper and then resubmit the paper when we are able to provide you with all the answers”.*

#### **G. 31 May 2021**

One of the senior authors sent a letter to BJJ on 31 May 2021 which stated that every patient consented into a trial. Accuses the BJJ of a witch hunt for “*focusing on redactions. The entire dissertation was sent in its original form and this should have been enough*” The letter further stated that they were unaware of WOLLF trial. The authors question the veracity of the peer process at BJJ. The authors themselves cited the WOLLF trial in their paper (see reference 8).

#### **H. 17 June 2021**

Editor-in-Chief emailed on 17.06.2021 highlighting that the authors had either misunderstood or underestimated the seriousness of the issues. "*The investigation undertaken by our team now suggests that your publication is highly likely to be unsafe and based on either poor research practice or poor data. The next step is therefore retraction of the paper with all its attendant consequences.*"

Highlighted that the authors had been given the time and opportunity to provide data and evidence for the study methodology, how the data was collected and provide the data for us to see if it is possible to replicate the data in this way.

Highlighted understanding of the difficulties of COVID but acknowledged that Dr. Tahir and several co-authors are based in the UK. Noted that the journal did not want the opinions of the senior authors, just the evidence.

Absolute deadline of 20 June 2021 to provide the materials requested.

#### **I. 19 June 2021**

Dr. Tahir replied via email dated 19.06.2021 and clarified that some authors were not proper authors. Further, he stated that

*"I understand your concerns about our study and you have every right to be doubtful and proceed accordingly but may we request to please mention in the retraction notice that the authors have agreed to the retraction and plan to submit evidence in due course when it becomes available, furthermore, there are a few authors in the study who only worked as guide to help us perform this project, you can verify from the methodology that no patients were recruited from their institutes, they just helped with their expertise and experience in research. The initial plan was to only keep their names in the acknowledgment but due to their tremendous efforts for the study they were given authorship after discussion with the senior authors. The process of retraction will affect them as well but if you would be kind enough to just mention that in your retraction notice, this might help them at least in clarifying to their own institutes their roles in the study, when you plan to notify as you mentioned."*

He again showed difficulty in getting data from across the different institutions but that they were working on getting it all together.

#### **J. 21 June 2021**

Dr. Tahir T emailed with unredacted documents, saying they were working on the CRFs etc. The unredacted documents still show inconsistencies.

##### Unredacted documents

The dissertation provided is different to the copy obtained from the library and when comparing the unredacted cover page, there are some obvious inconsistencies.

#### **K. 30 June 2021**

Editor in Chief emailed the authors on 30.06.2021 stating the journal would have happily reviewed any evidence they had forwarded. He noted that the unredacted document provided on 21 June 2021 was different to the previous unredacted document.

*"It is inconceivable that you cannot share at least some of your data / example CRFs... or even the unidentified data that was used for the final analysis to allow a discerning investigator to look at the nature and distribution of your datasets, and to see if they corroborate what you have reported."*

*"It is also concerning that you now suggest that some of the co-authors on the paper were potentially afforded gift authorship. That would suggest deceit at the time of submission when they were all ascribed a variety of roles in the genesis of the paper."*

It was pointed out that we will now proceed with retraction.

#### **L. 2 July 2021**

Dr. Tahir emailed on 02.07.2021 with the unredacted PDF and protocol again. He stated they have provided proof in the thesis and protocol. He stated that the data has been destroyed as per the ethics statement. Denied gift authorship. DR. Tahir asked that why these issues were not raised at the time of publication. and that *"it is rather interesting and appears malafide to ask us for the data, when it has been clear as per our ERC approval that the data will not be kept accessible after 2 years from the recruitment of the participants! Sadly, we are only approached to reproduce the raw data when we have just passed this period and again it appears that our capacity issue has been exploited in an ugly manner?"*.

#### **Potocol document**

Lastly, BJJ while comparing the unredacted protocol document with the redacted protocol document stated that it is possible to see that there are differences between them which leads to the conclusion that they are not the same document. BJJ stated that they are bound by the COPE guidelines (Committee on Publication Ethics) to ensure we uphold the standards expected when publishing in the medical literature. To conclude, our investigation and the subsequent legal advice has led us to standby our decision to retract the paper.

### **VII. FINDINGS AND CONCLUSIONS**

40. The Disciplinary Committee received information that Respondent No. 1-8 published an article titled "Negative pressure wound therapy versus conventional dressing for open fractures in lower extremity trauma: a multicenter randomized controlled trial" in The Bone and Joint Journal in June, 2020. The said article was later on retracted by the editorial board of the said journal. Contents of retraction notice are reproduced below:

*“The Bone & Joint Journal was made aware of concerns about the similarity of these data to those published in the WOLLF trial particularly with regard in the standard dressing group. The authors were invited to respond to the letter and were asked for some further basic information, such as the reasoning behind the selection of the primary outcome measure, as well as timeline for the data capture to try and understand how the number of patients was the same in both groups (i.e.243 in each). The authors were also asked to make their original dataset available to the Editor-in-Chief.*

*After many interactions with the authors, they were unable to provide any corroborating evidence to support the trial. Consequently, the matter was discussed and given full consideration at a meeting of the Journal’s editorial board and there is no longer confidence in the integrity of the published data. The Editor-in Chief has therefore retracted this paper”*

41. The Disciplinary Committee has perused the lengthy reply submitted by Respondents and further submission and objection raised by the Legal Counsel for the Respondents. Counsel raised preliminary objection that there was no complaint before the Disciplinary Committee and initiation of proceedings against the Respondents on its own motion is without jurisdiction and against the law. It is important to note here that sub-section (3) of Section 32 of the Pakistan Medical Commission Act, 2020 prescribes three modes for initiation of disciplinary proceedings against medical and dental practitioners i.e. on the complaint of any person, complaint/reference of any authority or of its own motion. The said provision is reproduced herein below.

*Section 32 (3)*

*“The Commission shall on the complaint of any person or authority or of its own motion on information received, initiate disciplinary proceedings against any full license holder or any recognized institution in respect of medical negligence, misconduct or violation of any obligation under this act, or any rules or regulations or directions of the Commission other than offences provided for under sub-section (1), (2), (3), (4) and (5) of section 34”*

Similarly, Regulation 5 of the Pakistan Medical Commission (Enforcement) Regulations, 2021 also provides as under:

*“Initiation of Proceedings (1) Disciplinary Committee shall initiate proceedings:*

- (a) *On the complaint of any person or authority; or*  
(b) *On its own motion on information received.* “

A bare reading of the above noted provision makes it abundantly clear that being regulator of the medical profession, the Commission has the mandate to take action of its own motion where information comes into its knowledge regarding professional negligence and misconduct of medical practitioners. The contention of the learned counsel for the Respondents therefore is merely based on non-reading of the applicable law.

42. The Counsel has cited several case laws in his written reply including PLD 2016 SC 377, 2011 SCMR 1, 2011 PLC (CS) 419 [Lahore], 2009 SCMR 339 and 2007 SCMR 229. The Committee requested the Counsel to assist them on the principle of law settled in these judgements and relevancy of the same to case of the Respondents or legal objections raised by the Counsel, however, the learned counsel failed to point out a single findings/principle of law to support his contentions . In this regard it is clarified that all the judgements quoted in the written reply of the Respondents by the learned counsel pertain to statutory rules and the service matter and have no relevance to the issue at hand. therefore, the case laws referred to by the learned Counsel have no applicability to the case of Respondents and therefore the reliance is misplaced.
43. The fundamental issues before the Disciplinary Committee involved in this case is whether the data exist on the basis of which study was carried out by the Respondents and their study is supported by such data and whether the study was completed before the Wolf trial. Also, whether the Respondents are guilty of misconduct on account of alleged plagiarism for publication of their article “Negative pressure wound therapy versus conventional dressing for open fractures in lower extremity trauma: a multicenter randomized controlled trial” in The Bone and Joint Journal.
44. The Respondents were given opportunities of hearing on 10.12.2021 and 15.01.2022. Respondents were also issued letters/notice on 16.12.2021, 17.12.2021 and 30.12.2021 providing sufficient time to Respondents to submit the data relied upon for the study.

45. Before we proceed further, it is important to highlight the role of each Respondent doctor in the preparation and publication of the study as described by the Respondent doctors themselves to the Committee.

- a. Dr. Mhammad Tahir did the initial background research on the topic, designed the methodology of the study, wrote the synopsis of the study, wrote the initial draft of the manuscript, and communicated with the journal during review stage and during pre-publication stage and edited the draft as per reviewer comments
- b. Dr. Ejaz Ali Chaudhary did the initial background research on the topic, obtained the approval from IRB, supervised people that collected data from his institute. Reviewed the manuscript and edited the manuscript.
- c. Dr. Farid Ullah Khan Zimri conducted the investigation from his private practice and followed the patients, collected data, and managed logistics in Islamabad.
- d. Dr. Nadeem Ahmad and Dr. Saeed Ahmad Sheikh supervised people that collected data from their institute. Followed the study protocol and validated the Gustilo grading of the patients.
- e. Dr. Usama Kalid Choudry assisted in fine-tuning of the final study protocol and did the analysis for the study and made tables and graphs. Wrote the initial draft of the manuscript.
- f. Professor Amer Aziz was the chairman of the IRB committee of his institute and approved the study, gave the logistical support to the department and also validated the Gustilo grading and thereafter, permitted himself to be represented as an author of the publication.
- g. Professor Allah Rakhiyo Jamali was the head of department and recommended the protocol for IRB approval, provided logistical support, and validated the Gustilo grading.

46. The Disciplinary Committee has noted that during the hearing Respondent Dr. Muhammad Tahir stated that the study was conceptualized by him while he was doing his rotation in JPMC as a trainee in 2016. He discussed the idea with Dr. Ejaz who was trainee at Ghurki Trust Teaching Hospital at that time. To reach maximum number of patients with fracture they coordinated with Ghurki Trust Teaching Hospital, Jinnah Post Graduate Medical Centre, Karachi and private clinic of Dr. Farid Ullah Zimri in Islamabad.

47. The Committee during the first hearing directed all the Respondents to provide raw data of patients used for the study. In response Respondent Dr. Amer Aziz, Dr. Saeed and Dr. Nadeem provided only lists of patients under treatment at JPMC and Ghurki Trust Teaching Hospital during the period of 2016 to 2018 and explicitly mentioned that the patients cannot be identified who took part in the study. Respondent Dr. Amer Aziz in his written statement stated that *“The list of all the people who had a compound fracture of the lower leg during the study period 2016/17/18 is enclosed. There were 337 people on the list. They don’t have a list of the people who took part in the study. Similarly, Dr. Saeed and Dr. Nadeem of JPMC in their written response stated that “The orthopedic department at JPMC consists of two units and patients from both the units were recruited for the trial between 2016 and 2017. Enclosed is the list of potential patients for the trial that were admitted in one of our unit. However, we cannot identify which patient was part of the trial as the case sheet was entirely anonymous.”* When Respondent Dr. Farid Ullah Zimri was asked about the data he stated that he provided data of patients of his private practice/clinic. Further stated that, Dr. Tahir used to visit his clinic for assistance of surgeries. All the original data/consent forms/sheets were handed over to Dr. Tahir.
48. When Respondent Dr. Tahir was asked about the availability of data he stated that all the process of the study was done manually and there was no proper storage available for data. As a self-taught researcher they were not aware that they need an encrypted server to upload the data. Dr. Tahir further stated that the data was available in JPMC hospital and data collected from private hospital of Respondent Dr. Zimri was also placed in the OPD of JPMC and he had informed Dr. Saeed about placing the data in the OPD. On inquiring Respondent Dr. Saeed, he simply denied the fact that he was informed by Respondent Dr. Tahir about keeping data in OPD of hospital. Moreover, during the hearing Respondent Dr. Tahir also admitted that the hospital administration of JPMC was not informed about placing of record in OPD.
49. Respondent Dr. Usama who was involved in carrying out analysis of data of patients was asked to provide the SPSS/data/analysis. Respondent Dr. Usama during hearing dated 10.12.2021 took the stance that Dr. Tahir collected the data, sent it to him for analysis and after analysis he sent the data back to Dr. Tahir through email. When the Committee asked Respondent Dr. Usama to provide data from his email account he responded that his Gmail ID got hacked which was later on recovered but there were no mails and no data. Same statement was given by Respondent Dr.

Tahir when he was asked to share data received through emails from Dr. Usama. Both Respondent Dr. Tahir and Dr. Usama agreed to give their consent letter to PMC for retrieval of data from the master set of Gmail and Hotmail to assist the Disciplinary Committee in the matter. However, later on Respondent Dr. Tahir and Dr. Usama in their written response dated 14.01.2022 changed the stance that *“With reference to the DC-PMC hearing on 10.12.2021 when inquired from Dr. Usama regarding the exchange of information Dr. Usama under stress stated that the data was transferred via emails or WhatsApp. Whereas, during the entire project there was exclusively a physical exchange of data, and no electronic transfer of data took place.”*

50. A third stance was taken by Respondent Dr. Usama and Dr. Tahir on next date of hearing on 15.01.2022. Respondent Dr. Usama stated that they realized that the data must not had been exchanged through e-mails but in USB. When he was asked about that USB he stated that it was not USB. This change of stance was not understandable and the fact is that the research was conducted only three years back and it is inconceivable that Dr. Usama and Dr. Tahir were not even aware how they shared data with each other.
51. The only record/data of the patients used for the study that has been brought on record by the Respondents is the excel sheet comprising of eight pages. However, there is no information in the document that creates a nexus with the study. Apparently, it is a vague document showing different columns without any source of information to verify it as the data relied upon for the said study. In absence of any credible evidence, the documents remains unsubstantiated and appears to be an afterthought.
52. An important aspect that the Committee has noted that the Respondent doctors took the stance that data has been destroyed. Dr. Tahir during the hearing stated that in their study protocol they have mentioned that all the data will be destroyed after two years of publication of study. In this regard reference is made to the relevant part of the study protocol placed on record by the Respondent doctor:

### **The protocol document**



*“as per hospital policy the data will be managed accordingly, however due to limited storage capacity the study material will be disposed after two years of recruiting the patient to comply with the issue of confidentiality.*

53. He further took the stance that it was informed to the Ethical Review Committee. However, when Respondent Dr. Amer Aziz, chairman of Ethical Review Committee was asked about this he showed complete ignorance to any such protocol. He stated that approval was granted only with respect to the proposal of the study. Reference is made to the approval letter of Institutional Review Board Ghurki Hospital which is signed by the Respondent Dr. Amer Aziz.

#### **Approval by Institutional Review Board Ghurki Hospital**

*“with reference to your letter/ application dated 22<sup>nd</sup> September 2015 on the subject noted above and to inform you that the Institutional Review Board has approved your subject proposal.”*

Similarly, approval letter of Ethical Review Committee of JPMC was signed by one Professor Shereen Z Bhutta which mentions that

#### **Approval by Ethical Review Committee of JPMC**

*“with reference to your letter/ application dated 22<sup>nd</sup> September 2015 on the subject noted above and to inform you that the Institutional Review Board has approved your subject proposal.”*

54. It is important to note here that the above mentioned protocol document submitted by the Respondents is a simple word document which neither contains any date nor does it mention the name of person submitting and to whom it was submitted. The document itself raises a question mark on its veracity and appears to be an afterthought. This protocol apparently referred to the hospital's policy which requires that due to limited capacity the study material will be disposed after two years of recruiting the patient. However, there is no such hospital policy produced on record by the Respondents which prescribed the limit for keeping record of patient for study/research purpose. Even otherwise, it does not appear to have rationale to destroy data after two years of recruitment of patients as limitation will restricts the research/study period to two years to be completed before data is destroyed.

55. Interestingly, the Respondents have produced a notification/letter of Ministry of health dated 13.04.2017 regarding destruction of record in their defense and to claim that data has to be destroyed as per the instructions of the Ministry. The said notification is reproduced in relevant parts:

*“the file/ record of birth/ death and medico legal cases will be preserved for ever while those of indoor patients of no legal academic or clinical utility may be destroyed after three years with approval of the competent authority on the recommendations of the committee formed for the purpose”*

56. From the bare reading of the content of the abovementioned letter it becomes abundantly clear that the data of academic, legal and clinical utility cannot be destroyed and that has to be preserved. The contention of the Respondents that the data was destroyed by the respective hospital under the abovementioned government instruction is not plausible as the data of academic nature was clearly exempted from such destruction of data.

57. During the hearing Respondent Dr. Amer, Chairman of the Ethical Committee showed complete ignorance to any such protocol and stated that the approval letter is already on record and the ethical committee never gave any such approval of destroying the data after 2 years.

58. There is another reason to doubt the veracity of protocol document which is highlighted in the response submitted by Editor- in- Chief of BJJ to the Disciplinary Committee. In the said response regarding the protocol document submitted by the Respondents it is stated that *“Comparing the unredacted with the redacted protocol document, it is possible to see that there are differences between them which leads to the conclusion that they are not the same document.”*

59. It is also interesting to note that Respondent Dr. Tahir has taken a completely different stance before BJJ with respect to sharing of data. He in his correspondence with BJJ on 29.03.2021 stated that *“we are waiting for the higher authorities to allow us to share the data with you. As all the*

patient data is protected by the federal data protection act we are waiting for the federal government to response”.

60. Further, Respondent Dr. Tahir in email to Editor-in-Chief on 23.04.2021 declined to share trial data citing privacy concern. When Editor-in- Chief requested to share such law which prohibits data sharing, Dr. Tahir responded that “The rules regarding sharing of data of patients are in more of a grey area, we are not quite sure as to where it stands against the law. When you requested the raw data, I contacted all the institutional heads for permission to send the raw data. I was denied permission, furthermore, I did come across an updated data protection bill 2020 online, which stated that cross-border transfer of data is now allowed. I am not sure as to where we stand here but I am afraid to break the law and then have repercussions about it. Since it was not clear to me as if I can or cannot, I choose to not share to stay in safe side.”
61. On 2<sup>nd</sup> July 2021 Respondent Dr. Tahir took another stance before BJJ and stated that the data has been destroyed as per the ethics statement and that “it is rather interesting and appears malafide to ask us for the data, when it has been clear as per our ERC approval that the data will not be kept accessible after 2 years from the recruitment of the participants! Sadly, we are only approached to reproduce the raw data when we have just passed this period and again it appears that our capacity issue has been exploited in an ugly manner”.
62. The Respondents have taken contradictory stance before the Disciplinary Committee and BJJ. Before Disciplinary Committee they contended that they destroyed the data as per the study protocol which they claim to have submitted to BJJ. Whereas the primary stance before BJJ was that federal laws do not permit data sharing with BJJ. Later they submitted to BJJ that they destroyed data as per the approval of Ethics Review Committees which is negated by the statement of the Chairperson of Ethics Review Committee. On first date of hearing; 10-12-2021, the Committee specifically asked Respondent Dr. Amer Aziz being Chairperson of the Ethics Committee about destroying the data after 2 years, to which Dr. Amer Aziz responded that the approval letter is already on record and the Ethics Committee never gave any such approval of destroying the data after 2 years.

63. The Respondents have taken several stances with respect to data. They have failed to produce data on record on the plea of having destroyed it as per the study protocol which was never approved by the Ethics Review Committee or as per the hospital policy which was never brought on record or on the basis of notification issued by the Ministry of Health which clearly directed to preserve the study data. Every document relied upon by the Respondent doctors has in fact refuted the stance of the Respondents.
64. The Respondent doctors have taken the plea that raw data of patients was destroyed due the storage capacity issue. However, when they were required to produce the consent forms filled by the 420 patients who took part in the study, they also failed to produce the consent forms which is not a voluminous record that may be confronted with storage issue
65. It is beyond our comprehension that data of the study which pertained to patients of three different hospitals; one of which is a public sector hospital, which was and is required to be in the custody of the hospitals could have been destroyed on the basis of a protocol document developed by the Respondents doctors. None of the hospitals has given anything in writing that the patients' data used in the study has been destroyed by them, pursuant to any policy or directive of the hospital or the government. In fact, Dr. Amir Aziz, Dr. Saeed and Dr. Nadeem have provided the lists of patients treated between 2016-2018 at their respective hospital between 2016-2018, however their excuse was that patients cannot be identified who were recruited for trial as the case sheet was anonymous. Even more alarming is a statement made that most of the record at Ghurki hospital was collected in the OPD or Emergency and hence was recorded on the back of the patient slips on admission. The procedure being referred to under study could not have been done in the OPD.
66. It is also pertinent to mention that when the Respondent doctors failed to produce/share data and substantiate their study with evidence and satisfy the Editor-in Chief of BJJ, Respondent Dr. Tahir requested BJJ to mention in the retraction notice that the authors have agreed to the retraction and plan to submit evidence in due course when it becomes available. He wrote to the Editor in Chief of BJJ vide email dated 19.06.2021 *"I understand your concerns about our study and you*

*have every right to be doubtful and proceed accordingly but may we request to please mention in the retraction notice that the authors have agreed to the retraction and plan to submit evidence in due course when it becomes available”.*

67. Apart from failure to produce data in support of their study and address the allegation of plagiarism, the conduct of Respondent Dr. Tahir , Dr. Usama and Dr. Ejaz during the course of hearing was deceitful. Dr. Usama and Dr. Tahir changed their stance several times regarding data sharing repeatedly and tried to mislead the Disciplinary Committee. Similarly, Dr. Ejaz who was the focal person from Ghurki Trust Teaching Hospital for data collection could not produce the data. Even during hearing on 15.01.2022 he remained non-responsive to questions put by the Disciplinary Committee although he was logged in to zoom throughout the hearing.
68. The Disciplinary Committee is of the considered view that research is done under certain protocols and there are standards and ethics of research. A researcher who has got published his article in an international journal cannot be allowed to take such a defense that he was not aware that data storage was required or formulate their own protocol which are against the basics standards of ethics. It is a well settled phenomenon that researcher has to defend his research for rest of his life. Dr. Tahir has expressed themselves as a self taught researchers which itself cast doubt on the quality of the research and study and such excuse does not absolve the responsibilities of authors to observe and adhere to the basic norms of research. Respondents have failed to produce any data in support of their study and address the allegation of plagiarism.
69. The Committee has also noted that name of Respondent Dr. Amer Aziz, Dr. Allah Rakhiyo Jamali and Dr. Farid Ullah Zimri are mentioned in the list of authors of study in question. During the hearing when Dr. Amer Aziz was asked about his role and approval of final draft for publication he stated that he only approved the ethical aspects of the initial proposal. He has never seen any final draft nor did he approve it. Further stated that, he was only informed when it was published. However, admitted that he never wrote to BJJ to inform them that he was not an author. Dr. Amer Aziz further tried to explain to the Committee that it is acceptable practice to include a senior consultants name on such publications by junior doctors to ensure it gets published. This statement by itself represents a patent violation of ethics of publication and research. It in fact represents an admission of fraudulent misrepresentation. Similar stance was taken by Respondent

Dr. Allah Rakiyo Jamali and Dr. Farid Ullah Zimri. They both stated that they did not prepare the final draft or vetted it or approved it; yet they both knowingly appeared as authors. Furthermore, Respondent Dr. Allah Rakiyo Jamali in response to Show Cause Notice submitted his reply dated 12.10.2022 wherein he stated that *"I have retired and left office. I do not have any record. I even do not remember whether I had consented or not for this article"*. All three senior medical practitioners have admitted before the Disciplinary Committee that they never had a look at the final draft of the study and came to know about the article after its publication in BJJ. Such casual attitude of senior practitioners/teachers is concerning for the Disciplinary Committee.

70. This fact was disclosed for the first time to BJJ by the Respondent Dr. Tahir on 19.06.2021 in his email to Editor-in-Chief where he stated that "some authors were not proper authors." Furthermore, he stated that "there are a few authors in the study who only worked as guide to help us perform this project, you can verify from the methodology that no patients were recruited from their institutes, they just helped with their expertise and experience in research. The initial plan was to only keep their names in the acknowledgment but due to their tremendous efforts for the study they were given authorship after discussion with the senior authors. The process of retraction will affect them as well but if you would be kind enough to just mention that in your retraction notice, this might help them at least in clarifying to their own institutes their roles in the study, when you plan to notify as you mentioned". It is abundantly clear that this was done by Dr. Tahir at such a late stage to somehow or to some extent protect the seniors, and possibly at their behest.

71. On 30<sup>th</sup> June 2021, the Editor-in-Chief of BJJ showed displeasure on disclosing the fact after one year that senior authors have not been involved in the preparation of study. He wrote to Dr. Tahir stating that "It is also concerning that you now suggest that some of the co-authors on the paper were potentially afforded gift authorship. That would suggest deceit at the time of submission when they were all ascribed a variety of roles in the genesis of the paper."

72. Further, in correspondence with BJJ regarding the role and involvement of senior authors, the Disciplinary Committee has noted with serious concern the statement of Respondent Dr. Tahir that senior authors only provided the guidance and no patient was recruited from their hospitals

is a mockery as during the entire proceedings before the Disciplinary Committee Respondent Dr. Tahir has maintained the stance that raw data of patients used for study was taken from the hospitals of the senior authors of the article. Even the senior authors have also owned this statement and provided the list of apparent patients of their respective hospital to support their claim. It is pertinent that there exists no confirmation of these lists or whether such data was even collected or procedures undertaken on such patients.

73. It is also a great concern for the Committee to note that senior doctors have taken up an argument with BJJ to defend the article which they admit they were not privy to the final draft. BJJ in its response to Disciplinary Committee has referred to the correspondence with the senior authors mentioning that on 31.05.2021 a letter was received from senior authors of accusing the BJJ of witch hunt for focusing on retractions. The letter further stated that they were unaware of Wolf Trial. The Editor-in-Chief in his response has noted that “the authors themselves cited the wolf trail in their paper at reference no. 8”. Senior authors in their correspondence with BJJ have also questioned the veracity of peer process at BJJ
74. There is another important aspect of this case that Respondent Dr. Amer Aziz was head of Ethics Committee which gave approval for the proposal of the study and at the same time his name was included in the list of authors of the study. How an author of study can give approval of his own study proposal or vice versa become an author or a study he approved; such conduct amounts to serious conflict of interest and is against the norms of the research ethics.
75. In addition, a practitioner is required to certify only that which he has personally verified. The stance of Respondent Dr. Amer Aziz, Dr. Farid Ullah and Dr. Allah Rakhiyo Jamali that they have not seen the final draft of article which contained their names in the list of authors is objectionable and raises serious question about their conduct as medical practitioner. Practitioners are expected to maintain and demonstrate a high standard of professional conduct and be honest, objective, unbiased as a reviewer for scientific material for publication.

76. Having considered the evidence and facts of the case and for reasons noted above we find that all the Respondents are guilty of violating the Code of Ethics and committing academic fraud while ostensibly conducting research as medical practitioners.
77. Dr. Muhammad Tahir, Dr. Ejaz Ali Chaudhary and Dr. Usama Khalid Chaudry were the principal instigators of the ostensible study and it stands established that each of them individually and in collusion jointly published a study which is not based on actual research and each of them has failed to substantiate the research data to prove otherwise. They did so to benefit from the publication as authors. Each of the said Respondents are guilty of academic fraud, misrepresentation and violation of the Code of Ethics to which each licensed medical practitioner is bound and in addition guilty of making false statements before the Committee during their evidence. Each of Dr. Muhammad Tahir, Dr. Ejaz Ali Chaudhary and Dr. Usama Khalid Chaudry being guilty are hereby imposed a penalty in terms of suspension of license for two years from the date of this Order and further barred from holding any academic or teaching position for life.
78. Dr. Nadeem Ahmad and Dr. Saeed Ahmad Sheikh were culpable in the academic fraud undertaken by the other Respondents by way of assisting in the apparent collection of data and thereafter, allegedly validating the Gustilo grading of patients. No proof of any of the above actions were provided. Both the said Respondents are guilty of aiding an academic fraud and hence violated the Code of Ethics as well as failing to give true and correct evidence before the Commission in an attempt to mislead the Commission for the benefit of the other accused. Both Dr. Nadeem Ahmad and Dr. Saeed Ahmad Sheikh being guilty of the aforesaid actions are hereby imposed a penalty in terms of suspension of license for six months from the date of this Order.
79. Professor Amer Aziz, Dr. Farid Ullah Khan Zimri and Professor Allah Rakhiyo Jamali have admitted to allowing their names to appear as authors on a publication they admit to having never read, vetted or approved and thereafter, at no time actively seeking to have their names withdrawn from the publication in the knowledge that they were not authors and hence are guilty of academic fraud misrepresentation and violation of the Code of Ethics to which each licensed medical practitioner is bound. Furthermore, each of the said Respondents failed to substantiate any of the alleged data they claimed to have provided for the research study and through their conduct during



the hearing made contradictory and false statements of fact. Each of Professor Amer Aziz, Dr. Farid Ullah Khan Zimri and Professor Allah Rakhiyo Jamali being guilty are hereby imposed a penalty in terms of suspension of license for one year from the date of this Order and further barred from holding any academic or teaching position for life.

Dr. Anis-ur-Rehman  
Member

Dr. Asif Loya  
Member

Muhammad Ali Raza  
Chairman

15<sup>th</sup> April, 2022