



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. PF. 8-1994/2021-DC/PMC

Mr. Zafar Mehmood Malik

VS

1. Dr. Mussarat Parveen
2. Dr. Samia Gul
3. Dr. Sanaa-e-Zahra Bukhari
4. Dr. Asif Hameed

Prof. Dr. Naqib Ullah Achakzai	Chairman
Prof. Dr. Noshad Ahmad Shaikh	Member
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Member

*Present:*

Mr. Zafar Mehmood Malik	Complainant
Dr. Mussarat Parveen (45950-P)	Respondent No.1
Dr. Samia Gul (34544-N)	Respondent No. 2
Dr. Sanaa-e-Zahra Bukhari (12193-D)	Respondent No. 3
Dr. Asif Hameed (3740-D)	Respondent No. 4
Hearing dated	10.10.2022

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Decision of the Disciplinary Committee in the matter of Complaint No. PF. 8-1994/2021-DC/PMC

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## I. FACTUAL BACKGROUND

1. Mr. Zafar Mehmood Malik (the “Complainant”) filed a Complaint on 25.08.2021 against Dr. Mussarat Parveen (the “Respondent No. 1”), Dr. Samia Gul (the “Respondent No. 2”), Dr. Sanaa-e-Zahra Bukhari (the “Respondent No. 3”) and Dr. Arif Hameed (the “Respondent No. 4”) working at THQ Hospital, Taxila (the “Hospital”), before the Disciplinary Committee of Pakistan Medical Commission. Brief facts of the complaint are that:

- a) *Complainant has registered an FIR u/s 365-B, PPC, related to his minor daughter. The Respondents with mala fide have determined the age of his daughter as 16-17 years, contrary to NADRA record, which shows the age of his daughter as 14 years.*
- b) *This wrong determination/fabrication is negligence of Respondents & led to adverse impact on relevant investigations of the FIR/criminal case.*

## II. SHOW CAUSE NOTICE TO RESPONDENT:

2. In view of the allegations leveled in the complaint, Show Cause Notice dated 01.09.2021 was issued to all the Respondent doctors conveying the allegations in the following terms:

“... ”

4. **WHEREAS**, in terms of Complaint, it has been alleged that Ms. Madiha Noor Malik was brought to THQ Hospital, Taxila on 21.08.2021, for the purpose of Medical Assessment/Age Assessment where you were the attending doctor(s); and

5. **WHEREAS**, in terms of Complaint, it has been alleged that the age of Ms. Madiha Noor Malik is stated as “16 years” old on initial assessment/Medical examination report issued on 21.08.2021 by Dr. Mussarat Parveen (Consultant Gynecologist). The age of Ms. Madiha Noor Malik is stated as “between 16-17 years” on the Age Assessment certificate issued by Dr. Samia Gul (Radiologist), Dr. Sana Zara Bukhari (Dental Surgeon) and counter signed by Dr. Arif Hameed (Medical Superintendent) of the Hospital on 21.08.2021; and

6. **WHEREAS**, in terms of the Complaint, it has been alleged that, the age of Ms. Madiha Noor Malik as per record of NADRA is 14 years, 2 months and 17 days, till the date the certificates have been issued by the Respondent doctors i.e. 21.08.2021. therefore, it has been alleged that the



*Respondent doctors have abused their powers and fabricated the age of Ms. Madiha Noor Malik on both the certificates issued, to aid Mr. Abad Ali Khan to escape from criminal proceedings against him on account of kidnap of Ms. Madiha Noor Malik; and ...”*


### III. REPLY (s) OF RESPONDENTS

#### Reply of Respondent No 1, Dr. Mussarat Parveen

3. Respondent No. 1, Dr. Mussarat Parveen submitted her reply to the Show Cause Notice on 17.08.2022 wherein she contended that:
- Patient, was referred to Gynecology & Obs. Department of THQ Hospital, Taxila by order of Judicial Magistrate, Taxila (FIR No. 901/21-4-08-2021) for age determination. Patient's age mentioned in court orders was 16 ½ years and the patient had developed all secondary sex characteristics.*
  - The determination of age is calculated by Radiologist & Dental Surgeon. I referred her to Radiologist & Dental Surgeon for opinion. Examination was done without any professional negligence and misconduct.*
  - PMC has right to go for the constitution of Medical Board or Judicial Magistrate, Taxila, for reconfirmation, if not satisfied.*

#### Reply of Respondent No 2, Dr. Samia Gul

4. Respondent No. 2, Dr. Samia Gull submitted her reply to the Show Cause Notice on 17.08.2022 wherein she contended that:
- Patient, was referred to Radiology Department of THQ Hospital, Taxila by order of Judicial Magistrate, Taxila (FIR No. 901/21-4-08-2021) for determination of bone age.*
  - The patient age has been calculated without fabrication by performing X-rays of Hand and elbow joint. X-rays revealed age of patient between 16-17 years. It has been calculated without any modified intentions as per rules & books and without any professional negligence or misconduct.*
  - PMC has right to go for the constitution of Medical Board or Judicial Magistrate, Taxila, for reconfirmation, if not satisfied. Furthermore, NADRA Form-B of patient was not provided by the Court that indicates her age to be 14 years.*





### Reply of Respondent No 3, Dr. Sana-e-Zahra Bukhari

5. Respondent No. 3, Dr. Sanaa-e-Zahra Bukhari submitted her reply to the Show Cause Notice on 04.07.2022 wherein she contended that:
- There was no abuse of power or fabrication of age of Ms. Madiha Noor. The Age Assessment was done by Court order No. 901/21 under section 305-B/PPC dated 04.08.2021 to assess her age to be 16 1/2 years or not.*
  - We were not given B-form or notification by NADRA in which it showed she was 14 years so there was no professional negligence/misconduct on our behalf and we gave our opinion in best of our knowledge and on radiographic analysis without any pressure.*
  - Furthermore, PMC has right to go for the Medical Board or Judicial Magistrate, Taxila, if not satisfied.*

### Reply of Respondent No 4, Dr. Asif Hameed

6. Respondent No. 4, Dr. Asif Hameed submitted his reply to the Show Cause Notice on 17.08.2022 wherein he contended that:
- All proceedings were in strict accordance with the Rules and regulations, following all SOPs; under the directions of worthy Court order No. 901/21 dated 04/08/2021 u/s 365-B, PPC at P.S Taxila, that directed to evaluate the age of petitioner as 16 1/2, claimed as (sui juris) board was constituted, comprising of Gynae, Radiology & Dental Department.*
  - All the department evaluated with the best of their knowledge under Rules, whereas, no FRC or Form-B was provided reflecting that the petitioner is 14 years or plus. So, this point is not valid, that we willfully changed or challenged the FRC of Form-B. the decision was purely on merit, with commitment and dedication.*
  - PMC has right to go for the constitution of Medical Board or Judicial Magistrate, Taxila, for reconfirmation, if not satisfied.*

### IV. REJOINDER OF THE COMPLAINANT

7. Replies received from the Respondent doctors were forwarded to Complainant through a letter dated 18.08.2022 for his rejoinder. The Complainant has submitted his rejoinder on 30.08.2022 wherein he reiterated his earlier stated version of facts and had denied the reply of the Respondent, on facts.

## V. HEARING

8. The matter was fixed for hearing before the Disciplinary Committee on 10.10.2022. Notices dated 27.09.2022 were issued to the Complainant and all the Respondents directing them to appear before the Disciplinary Committee on 10.10.2022.
9. On the date of hearing, all the Respondents were present in person, as well as the Complainant who was physically present.
10. The Committee asked the Complainant to narrate his grievance briefly to which he stated that the Respondent doctors had deliberately provided false age of his daughter during her medical examination. The Complainant raised queries that whether the age of a patient suffering from COVID-19 can be determined and that the determination of age in Hospital of Taxila can be done while the relevant case is being heard in another District.
11. The Committee enquired from the Respondent doctors about the whole event to which the Respondent No. 4, the Medical Superintendent (the "MS") submitted that all assessment and process was carried out in compliance of the orders of the Honorable Court of Taxila and strictly as per medical protocols.
12. The Respondent No. 1, Gynecologist submitted that all the secondary sexual characteristics of the girl were developed and she referred her to the radiologist and dental surgeon for determination of age. Respondent No. 3, dental surgeon submitted that the 3<sup>rd</sup> molar of the girl had erupted and based on dental examination, age had been determined to be between 16-17 years. Respondent No. 2, the radiologist also submitted before the Committee that the standard



procedure of determination of age i.e. X-ray of the wrist joint and elbow was done. In view of the X-rays performed, the age of the girl was assessed to be more than 16 years of age.

## VI. FINDINGS AND CONCLUSION

13. After perusal of the record, statements of the Complainant as well as the Respondents, it is noted that the daughter of the Complainant, Ms. Madiha Noor Malik had contracted marriage at will and her father, the present Complainant had initiated legal proceedings including lodging of FIR No. 901/12 u/s 365-B, PPC. Orders of the Judicial Magistrate, Taxila were received at the THQ Hospital, Taxila for determination of age of the daughter of the Complainant.
14. The Respondent doctors at the THQ Hospital, Taxila using multiple methods provided their respective assessment about the age of the daughter of the Complainant. Post-assessment the age of the daughter of the Complainant was assessed to be between 16 and 17 years.
15. The Committee notes that the MS of the THQ Hospital, Taxila has clarified before this Committee that the medical examination of the daughter of the Complainant was done per the orders of the Honorable Court. He stated that being responsible at the Hospital, the assessment and examination of the daughter of the Complainant were done per applicable medical practice and protocols. The Respondent No.1 has also submitted before us that the daughter of the Complainant was presented to her in OPD for determination of her age. As a gynecologist, she could only ascertain whether the daughter of the Complainant was a child or had attained puberty. Hence, upon examination, all secondary sexual characteristics of the girl were found to be developed and she was referred onwards to the radiologist and dental surgeon for determination of age.
16. The Committee observes that the Respondent No. 3; dental surgeon then stated that the 3<sup>rd</sup> molar examination was performed; which serves as a basic criterion for assessment of age. Additionally, X-rays were conducted which were indicative of Stage-F, displaying a fully-formed crown. The dental examination suggested the age to be falling between 16-17 years. Further, the Respondent radiologist has submitted before us that the X-rays of wrist joint including hand and elbow joint



were performed for age determination per standard procedure. The X-rays were analyzed to understand the fusion stage of bones and these procedures led to the assessment that the age of the daughter of the Complainant was more than 16 years.

17. During the hearing, the Complainant had raised objection that the age of an individual who is infected with COVID-19 virus cannot be determined. We had raised this query to the radiologist and the dental surgeons and both the radiologist and the dental surgeon stated unequivocally that so far there is no available evidence to suggest that infection of any individual with COVID-19 could affect the process of determining of age.
18. A careful consideration of the evidences and submission of the parties confirm that the Respondent doctors issued Age Assessment Certificate to the daughter of the Complainant on request/petition filed before the Court of law. Nothing has been brought on record to show that the Respondents have acted negligently. It is clarified here that the Age Assessment Certificate is based on scientific opinion of the Respondent doctors and if the Complainant disagrees with such opinion for any reason he may assail it and challenge it before appropriate legal forums.

Prof. Dr. Noshad Ahmad Shaikh

Member

Mr. Jawad Amin Khan

Member

Barrister Ch. Sultan Mansoor

Secretary

Prof. Dr. Naqib Ullah Achakzai

Chairman

27<sup>th</sup> October, 2022