



**BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL & DENTAL
COUNCIL**

In the matter of

Complaint No. PF.12-Comp-241/2019-DC/PMC

Mr. Tanveer against Dr. Shuaib Kausar (7359-P), Dr. Samia Shuaib (10681-S) and Dr. Zalma Majid
(36342-S)

Prof. Dr. Muhammad Zubair Khan	Chairman
Barrister Ch. Sultan Mansoor	Secretary
Prof. Dr. Mahmud Aurangzeb	Member
Mr. Jawad Amin Khan	Member

Present:

Dr. Shuaib Kausar (7359-P)	Respondent No. 1
Dr. Samia Shuaib (10681-S) (online)	Respondent No. 2
Dr. Zalma Majid (36342-S)	Respondent No. 3
Hearing dated	05.07.2024

I. FACTUAL BACKGROUND

1. A reference was received from the Sindh Healthcare Commission (the "SHCC") on 03.06.2019 against Dr. Shuaib Kausar (the "Respondent No. 1") and Dr. Samia Shuaib (the "Respondent No. 2") working at Al-Hadeed Medical Centre, Karachi (the "Hospital"). This reference conveyed a decision of the Enquiry Panel of the SHCC against Respondents No. 1 and No. 2, relevant portion of which is as under:

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“... **Decision:** SHCC Enquiry Panel unanimously decided that there was grave medical negligence on part of Dr. Shuaib and Dr. Samia who misrepresented as Consultant and deceiving the public at large. In reality they were not, as they hold MBBS degrees only and have no postgraduate qualification. They were working *ultra vires* i.e. beyond their powers. They were not authorized to perform any **Caesarean section** or any surgery. You need at least a Post-graduation degree to perform such surgeries and sadly they were not even aware of this fact. Ignorance of law is no excuse.

...

This case is referred to PMDC to take stern action against Dr. Shuaib and Dr Samia to cancel their licenses. ...”

Initially, Mr. Tanveer s/o Ghulam Abbas (the “Complainant”) filed a complaint before the SHCC on 15.04.2019, alleging medical negligence against Respondent No. 1 and No. 2 while treating his wife, Ms. Afshan Tanveer (the “Patient”) at the Hospital. Brief facts of the instant complaint are as under:

- a. *The patient was presented at the Hospital with labour pain, complaints of diminished fetal movements, where her Caesarean Section was performed unnecessarily at 36 weeks on 14.02.2019 at 12:30 pm; patient and child both were healthy apparently. After surgery the patient was shifted in the ward. The next day at around 6:00 am, patient felt distention and pain in her abdomen. The patient's condition was getting worse and Doctors were called and informed. Doctor on call administered tranquillizer injection to relieve pain but after few hours at about 8:00 pm, patient felt severe pain which was unbearable and lasted till next morning.*
- b. *On 16.02.2019, Doctor Shuaib on examining the patient diagnosed that the patient was pale and advised the Complainant to arrange three pints of blood as there was a need to have a second operation to open the patient again and see what is causing severe pain and distension. Complainant refused and didn't give permission to perform a second operation and shifted the patient to Liaquat National Hospital (LNH).*
- c. *At LNH immediately a CT scan was conducted which revealed that fluid had accumulated in the abdominal cavity. Doctor Haleema Hashmi along with Dr. Sheraaz ur Rahman decided to re-operate. After surgery the patient was shifted to ICU, put on the ventilator, where she stayed for 6 days.*
- d. *However, the patient remained unconscious and her health was deteriorating day by day. She could not survive and expired on 23rd February 2019 at 11:30 am.*



II. SHOW CAUSE NOTICE TO RESPONDENTS

2. In view of the allegations levelled in the complaint, Notices dated 25.07.2019 were issued to the Respondent doctors No. 1 and No. 2, directing them to convey their comments, record of patient along with the copy of their registration certificate, to the Disciplinary Cell.

III. REPLY OF RESPONDENT NO. 1, DR. SHUAIB KAUSAR

3. Dr. Shuaib Kausar (Respondent No. 1) submitted his reply to Show Cause Notice on 19.08.2019 wherein he contended that:

- a) *The Respondent has already submitted objections along with annexure on the decision / inquiry report of SHCC before honorable High Court Sindh on 07.08.2019, copy of objections and annexures are attached for perusal of this honorable council.*
- b) *Preliminary objections against the inquiry of SHCC have been stated as under:*
- i. *The decision of inquiry report is in contradiction to the facts/ circumstances of the case, are not based on reality and are liable to keep out of deliberation.*
 - ii. *That it had been falsely stated in the inquiry that Al-Hadeed Medical Centre is not registered with SHCC, whereas, Al-Hadeed Medical Centre is an SHCC registered HCE.*
 - iii. *That the decision of special medical board addressed that there wasn't any problem with emergency cesarean section performed at Al-Hadeed Medical Centre on 14/02/2019.*
 - iv. *The Doctors of Liaquat National Hospital (Dr. Haleema Hashmi & Dr. Sheraz ur Rehman) also recorded their statements before special medical board and inquiry committee of SHCC that during exploratory laparotomy uterus was found normal and duodenal perforation found.*
 - v. *That as per the death report and case summary of Liaquat National Hospital Karachi, patient suffered, later on, from another disease i.e. duodenal perforation, which has been stated as the cause of death.*

IV. REPLY OF RESPONDENT NO. 2, DR. SAMIA SHUAIB

4. Respondent No. 2, Dr. Samia Shuaib submitted her reply to Show Cause Notice on 19.08.2019, wherein she contended that:



- a) *As a Medical practitioner, she conducts OPD and neither performs operation independently nor is responsible for any surgery, as there are surgeons on contract with the hospital for the said purpose.*
- b) *The Respondent further submitted that she was not present in the hospital at the time of patient's operation, therefore requested to overlook the inquiry report/ decision of SHCC stating that it is based on malafide intention and worth not any substance and reality.*
- c) *She addressed that she has not committed any negligence or misconduct in performing professional duties. The Respondent stated that she is rendering her professional services since last 34 Years without any complaint against her. Thus presented that the decision of SHCC may kindly be overlooked and recall the penalty imposed by the SHCC as the same is against the ground reality.*

V. REJOINDER OF COMPLAINT

5. The replies received from the Respondents were forwarded to Complainant through a letter dated 30.12.2021 for his rejoinder. However, no rejoinder has been received from the Complainant, till date.

VI. PREVIOUS HEARING DATED 26.10.2022

6. The matter was fixed for hearing before the Disciplinary Committee for 26.10.2022. Notices dated 24.10.2022 were issued to the Complainant and Respondents No. 1 and No. 2, directing them to appear before the Disciplinary Committee on 26.10.2022.
7. On the date of hearing, both the Respondents No. 1 and No. 2 were present before the Disciplinary Committee, in person, however, the Complainant remained absent.
8. During the hearing, it transpired through the statements of Respondent No. 1 and No. 2 that one, Dr. Zalma Majid had performed the surgery under present consideration, and patient was under her direct care. Therefore, the Disciplinary Committee adjourned the hearing on the below observations:

“... 10. In view of the foregoing and the facts revealed before the hearing of this Disciplinary Committee, we consider that Dr. Zalma Majid is a necessary party to the present Complaint. We believe that Dr. Zalma Majid was the primary doctor providing treatment to the patient and we can proceed further in the instant Complaint, after hearing her views.”



11. Accordingly, it is directed that Show Cause Notice be issued to Dr. Zalma Majid of Al-Hadeed Medical Centre, Karachi. Dr. Zalma Majid shall submit her response to the Disciplinary Committee. The matter shall be fixed before the Committee once pleadings are completed. ...”

VII. SHOW CAUSE ISSUED TO RESPONDENT NO. 3, DR. ZALMA MAJID

9. In compliance of directions of the Disciplinary Committee dated 26.10.2022, a Show Cause Notice dated 24.10.2022 was issued to the Respondent, in the following terms:

“...3. **WHEREAS**, a reference has been received at this Commission (hereinafter referred to as the "Complaint") from the Sindh Healthcare Commission, which is enclosed along with its annexures and shall be read as an integral part of this Notice, and

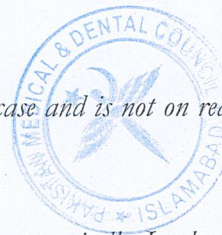
4. **WHEREAS**, in terms of the reference, it has been conveyed that on 14.02.2019, you negligently treated Mrs. Tanveer (the "patient"), admitted for caesarian operation at 36 weeks' pregnancy. You carelessly behaved with the patient, keeping the patient in limbo and leaving midway under an unprofessional excuse. During proceedings in the instant reference, the Disciplinary Committee has directed to issue Show Cause Notice to you, as you were the primary doctor providing treatment to the patient; and ...”

VIII. REPLY OF RESPONDENT NO. 3, DR. ZALMA MAJID

10. The Respondent No. 3 submitted her response on 18.01.2023, wherein she stated in terms, as under:

1) The decision of inquiry report is against the facts and circumstances of case and is not on reality and liable to keep out of consideration.

2) The submitted report is not in compliance of orders of honorable high court sindh. In the orders of honorable high court it is clearly mentioned that the application u/s cr-22-A (Flag B) should be treated as complaint. But this report has been prepared against the complaint lodged by Mr. Tanveer Abbas dated 15/04/2019. The CEO, SHCC ordered for inquiry (Ref: Page 1 & 2 of inquiry report of SHCC).





The base of this report is not that one which was ordered by honorable high court so it is against the letter and spirit of the orders of honorable High Court Sindh.

3) That neither the complainant Mr Tanveer Abbas has lodged complaint against me nor SHCC has requested PMDC to take disciplinary action against me.

4) That the report has been prepared with malafide intention. The inspection team of SHCC visited the Al-Hadeed Medical Centre on 13/05/2019 and finalized the report on 14/05/2019 just after visit of Al-Hadeed Medical Centre prior to personal hearing (Ref Page-1 of inquiry report of SHCC). For fill in the blanks hearing conducted on 17/05/2019 that is after report preparation which negates the authenticity of report and undersigned condemned unheard, which is against the natural justice.

5) That as per decision of special medical board there was no problem with emergency cesarean section performed at Al-Hadeed Medical Centre on 14/02/2019. (copy thereof is enclosed here with as annexure A). That as per death report and brief case summary of Liaqat National Hospital Karachi, the patient Afshan Tanveer suffered later on from another disease Le duodenal perforation and same is the cause of death (copies of death report and case summary are enclosed here with as annexure B and C). The Doctors of Liaqat National Hospital (Dr.Haleema Hashmi & Dr Sheeraz ur Rehman) also recorded their statements before special medical board and inquiry committee of SHCC that during exploratory laprotomy uterus was found normal and duodenal perforation found, same is the cause of death.

6) That have neither committed any negligence in rendering my professional duties nor carelessly behaved with the patient. Patient not kept in limbo, remained in Operation theater till the shifting of patient to room. This is witnessed by DR NAND LAL and other O.T staff, Therefore these allegations are vebemently denied being false and without any reality.

7) In view of above-mentioned facts and circumstances kindly overlook the inquiry report/decision of SHCC as the same is based on malafide intention and worth not any substance and reality and as such same is not applicable. The undersigned has not committed any negligence or misconduct in performing my professional duties. It is worth mentioning that I am rendering my professional services as gynecologist since last 16 Years without any complaint against me. It is therefore requested that the decision of SHCC may kindly be overlooked.



11. Thereafter, a letter dated 19.01.2023 was written to the Complainant enclosing the comments received from the Respondent No. 3, directing him to submit his rejoinder. However, no rejoinder has been received from the Complainant, till date.

IX. HEARING

12. The matter was fixed for hearing before the Disciplinary Committee for 05.07.2024. Notices dated 27.06.2024 were issued to the Complainant, Mr. Tanveer and the Respondent doctors directing them to appear before the Disciplinary Committee on 05.07.2024.

13. On the date of hearing, all three Respondents were present before the Disciplinary Committee, however, the Complainant did not appear despite service of notice.

14. The Respondents submitted before the Disciplinary Committee that the instant complaint has been settled with the Complainant and he has conveyed a letter to the PM&DC, conveying this fact earlier. Accordingly, they submitted that the instant complaint may be closed.

IV. FINDINGS AND CONCLUSION

15. The Pakistan Medical and Dental Council Act 2022 (the "PM&DC Act 2022") states that in case the complainant wishes to withdraw his/her complaint, the proceedings shall be terminated. The relevant provisions of the PM&DC Act 2022, are reproduced as under:

"... 44(1) the complaint and matter shall finish if the complainant withdraws his complaint. ..."

16. In view of the available record and the statement of the Respondent doctors, this Committee is of the unanimous view, that the Complainant should appear before the Disciplinary Committee to substantiate his intention to withdraw the instant complaint, pursuant to an out of court settlement.

17. Accordingly, in the interest of justice, the Disciplinary Committee decides to provide a last opportunity of appearance to the Complainant and in case the Complainant does not appear at the next hearing, the instant complaint shall be decided on available record *ex-parte*. Fresh notices



of hearing shall be issued to the Complainant and all the Respondents for hearing before the Disciplinary Committee in due course. Adjourned.

Zubair

Prof. Dr. Muhammad Zubair Khan
Chairman

11 September, 2024



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