



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

In the matter of

Complaint No. PF. 8-1963/2021-DC/PMC

Mr. Zulfiqar Ali against Dr. Farhat Sultana (19907-S) & Dr. Muharramuddin Memon (7272-S)

(Reference from the Sindh Healthcare Commission)

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

Present:

Dr. Muharramuddin Memon (7272-S) Respondent No. 2

Hearing dated 05.07.2024

I. FACTUAL BACKGROUND

1. Mr. Zulfiqar Ali (the "Complainant") filed a Complaint on 05.10.2021 against Dr. Farhat Sultana (the "Respondent No. 1") and Dr. Muharramuddin (the "Respondent No. 2") working at Maajee Hospital and Maternity Home Hyderabad (the "Hospital"). Brief facts of the Complaint are:

The Complainant sister Mrs. Kishwar Bano (the "Patient") was booked patient of Respondent No. 1 who was performing her antenatal checkups, having LMP of 30.12.2018 & EDD of 06.10.2019.



However, patient was admitted at the Hospital on 06.09.2019 where Respondent No. 1, advised and performed C-Section under General Anesthesia at patient's 35th week of pregnancy.

No medical specialist was consulted for the patient's care, being hypertensive, diabetic, and having symptoms of chest infection. Post-surgery, the patient suffered serious complications i.e., high blood pressure, inability to maintain oxygen saturation, and so the patient was re-intubated.

The patient's condition deteriorated, however, no ventilator support was available at the Hospital, and patient was shifted to MK Hospital, Hyderabad, where she was diagnosed with Postpartum Cardiomyopathy. The patient's treatment started however, owing to severe complications, the patient died on 07.09.2019 due to cardio respiratory failure.

2. Earlier, the Sindh Healthcare Commission (the "SHCC") was petitioned, which heard the case and rendered its decision dated 23.02.2021, the operative para of which is as under:

"... Negligence on part of Anesthetist established, as he had not possessed any post-graduation qualification to give anesthesia, so, U/S 28(1) Sindh Health Care Commission Act 2013, a fine of PKR 150,000 is imposed on anesthetist Dr. Muharramuddin Memon; negligence on part of Maajee Hospital as under-qualified person providing anesthesia to the patients, a fine of PKR 100,000 is imposed on the Maajee Hospital. Negligence on part of the Obstetrician, choice of adapting an under-qualified person for anesthesia & knowingly conducted negligent & non-professional attitude, so, U/S 28(1) Sindh Health Care Commission Act 2013, a fine of PKR 150,000 is imposed on Dr. Farhat Sultana. Also, Maajee Hospital is fined of PKR 100,000 for deliberately avoiding to get proper helping hand to consultant who brought under-qualified anesthetist. ..."

II. SHOW CAUSE NOTICE ISSUED TO RESPONDENT NO. 1

3. In view of the allegations leveled in the Complaint, a Show Cause Notice dated 25.08.2022 was issued to the Respondent No. 1, in the following terms:

"...

3. **WHEREAS**, a Complaint has been filed by Mr. Zulfiqar Ali S/o Umeed Ali, (hereinafter referred to as the "Complainant"), along with investigation report of Sindh Healthcare Commission (SHCC) (No.100/SHCC/DC), before the Disciplinary Committee of Pakistan Medical



Commission (hereinafter referred to as the "Complaint") which is attached as Annex I and shall be read as an integral part of this notice; and

4. **WHEREAS**, *in terms of Complaint and investigation report of Sindh Healthcare Commission, the patient Mrs. Kishwar Bano w/o Ghulam Mustafa was your booked patient and visited you multiple times for her antenatal checkup, having LMP of 30.12.2018 and EDD 06.10.2019. You advised C-Section to the patient and admitted her at Maajee Hospital & Maternity Home, Hyderabad at 11:30 am on 06.09.2019; and*
5. **WHEREAS**, *in terms of Complaint and investigation report of Sindh Healthcare Commission, you carried out C-Section under General Anesthesia at 35th week of pregnancy, at around 02:50 pm on 06.09.2019. The patient was diabetic, hypertensive as well as having symptoms of chest infection, however, no Medical/other specialist was consulted for her care. Furthermore, anesthesia was administered by a non-qualified doctor in your presence. Soon after the surgical procedure ended, the patient had complications as having raised blood pressure and unable to maintain oxygen saturation and patient was re-intubated; and*
6. **WHEREAS**, *in terms of Complaint and investigation report of Sindh Healthcare Commission, the patient's condition got serious and needed ventilatory support which was not available at Maajee Hospital and she was shifted to MK hospital Hyderabad at 5:10 pm on the same day. At MK Hospital, Hyderabad she was diagnosed as Postpartum Cardiomyopathy and treated accordingly, however, due to severity of the complications the patient couldn't survive and died at 06:20 am on 07.9.2019 due to cardio respiratory failure; and*
7. **WHEREAS**, *in terms of the facts mentioned in the Complaint and the investigation report of Sindh Healthcare Commission, it is failure on your part to fulfil your professional responsibilities towards your patient. Such conduct is, prima facie, in violation of Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011 in general and Regulation 4, 21(1), 49(a) and 50.*
8. **WHEREAS**, *it is observed that, your current registration status as per record of this Commission is inactive as your registration expired on 31.12.2019, while you are running clinic and practicing regularly without a valid license; and*
9. **WHEREAS**, *every licensed practitioner is responsible to maintain his license as valid and in good order. A practitioner shall not be permitted to practice in the absence of a valid license issued by the Commission. Your conduct to continue practice in absence of a valid license is in violation of Section*



29 (7) of the Act, read with Regulation 7 (2) of Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011; and ...”

III. REPLY OF RESPONDENT NO. 1

4. The Respondent No. 1 submitted her response on 23.09.2022, wherein she stated, in terms, as under:

“... 1. That, I know well about such complaints as the honorable court are pending and the such proceedings are stayed by the honourable High Court, Hyderabad.

2. That, I admitted such fact that as per report of Sindh Health Care Commission the patient Mrs. Kishwar Bano w/o Ghulam Mustufa was remained under my treatment.

3. That, I carried out C-section under general Anesthesia on the instructions of the husband namely Ghulam Mustufa and the brother of patient and relatives each name Aijaz, Abdul Ghaffar and Naveed were present at the time of operation.

4. That the e C-section was carried out on full term pregnancy 36 weeks and the patient was completely normal.

5. That all the measurements and precautions were taken/ completed prior to carried out the C-section.

6. That the hospital Maaji was already booked on the wish of the husband of deceased patient as all the family members are keeping booked for the operations under my treatment till today.

7. That husband and relatives of deceased patient are well-known and informed each time prior booking of said hospital that I.C.U and ambulance facilities are not available in this hospital.

8. That the deceased patient was normal at the time of C-section and after surgery no surgical issues raised out.

9. That the complaint has been filed to the Sindh health care commission by the brother of deceased patient namely Zulfiqar who was also present at the time of operation and given consent to book the Maaji Hospital.



10. That during investigation of SHCC (disciplinary committee) daily charts were not collected the complete condition of deceased patient that shows she was normal at the time of operation.

11. That during investigation of SHCC that death cause was diagnosed postmortem cardiomyopathy it is also mentioned that it was treated accordingly, however due to severity complications the patient could not survive and died.

12. That, In the said complete investigation no any failure part was found on my side

13. That as I am well aware regarding code of ethics of practice and its rules and regulations, so my new registration is valid up to 31-12-2023. said copy annexed with this reply.

14. That the complaint is not maintainable under the code of ethics and PMC rules and regulations....”

IV. SHOW CAUSE NOTICE ISSUED TO RESPONDENT NO. 2

5. In view of the allegations leveled in the Complaint, a Show Cause Notice dated 25.08.2022 was issued to the Respondent No..2, in the following terms:

“...3. **WHEREAS**, a Complaint has been filed by Mr. Zulfiqar Ali S/o Umeed Ali, (hereinafter referred to as the "Complainant"), along with investigation report of Sindh Healthcare Commission (SHCC) (No.100/SHCC/DC), before the Disciplinary Committee of Pakistan Medical Commission (hereinafter referred to as the "Complaint") which is attached as Annex I and shall be read as an integral part of this notice; and

4. **WHEREAS**, in terms of Complaint and the investigation report of Sindh Healthcare Commission, C-section of patient Mrs. Kishwar Bano w/o Ghulam Mustafa was scheduled at Maajee Hospital, Hyderabad at 02:50 pm on 06.09.2019, where you were the anesthetist in the said case; and

5. **WHEREAS**, in terms of Complaint, the patient was diabetic, hypertensive as well as having symptoms of chest infection, whereby, you administered general anesthesia to the patient. No Medical/ other specialist was involved for management of patient. Soon after the surgical procedure ended, the patient had complications as having raised blood pressure and unable to maintain oxygen saturation and patient was reintubated; and



6. **WHEREAS**, in terms of Complaint, the patient's condition got serious and needed ventilatory support which was not available at Maajee Hospital and she was shifted to MK Hospital Hyderabad at 5:10 pm on the same day. At MK hospital she was diagnosed as Postpartum Cardiomyopathy and treated accordingly, however, due to severity of the complications the patient couldn't survive and died at 06:20 am on 07.9.2019 due to cardio respiratory failure; and

7. **WHEREAS**, in terms of the facts mentioned in the Complaint, it is failure on your part to fulfil your professional responsibilities towards your patient. Such conduct is, prima facie, in violation of Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011 in general and Regulation 4, 21 (1), 49 (a) and 50 in particular; and

8. **WHEREAS**, you are registered with Pakistan Medical Commission under Registration No: 7272-S, whereby you have got the degree of Basic Medical Qualification (MBBS) only. Whereas in terms of investigation report of Sindh Healthcare Commission, you are carrying out practice as Specialist/ Anesthetist at Maajee Hospital Hyderabad; and

9. **WHEREAS**, a general practitioner cannot practice in the field or specialty without requisite qualification duly recognized by the Commission and represent as having acquired or seek to practice a specialty unless the same is recognized by the Commission. Therefore in view of facts mentioned in Complaint your conduct of practicing as a anesthesia specialist is in violation of Section 29 (2), (8) & (10) of the Act, read with Regulation 8 (2) of Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011; and

10. **WHEREAS**, it is observed that, your current registration status as per record of this Commission is inactive as your registration expired on 31.12.2007, However, you are practicing regularly without a valid license; and

11. **WHEREAS**, every licensed practitioner is responsible to maintain his license as valid and in good order. A practitioner shall not be permitted to practice in the absence of a valid license issued by the Commission. Your conduct to continue practice in absence of a valid license is in violation of Section 29 (7) of the Act, read with Regulation 7 (2) of Code of Ethics of Practice for medical and dental practitioners, Regulations, 2011; and ...”

V. **REPLY OF RESPONDENT NO. 2**



6. The Respondent No. 2 submitted her response on 23.09.2022, wherein she stated, in terms, as under:

“... 1. That, the undersigned is a professional anesthetist having proper Graduation (MBBS) degree and also specialization in the relevant field. Moreover, the undersigned had remained in Govt Service and retired as Senior Medical Officer/ Anesthetist from Liaquat University Hospital Hyderabad in the year old- after performing meritorious service of 25 years having neat and clean service record without any professional negligence.

2. That, the actual facts are that after his retirement, the undersigned is performing his services as On-call Anesthetist at various private hospitals at Hyderabad including Maajee Hospital at Latifabad, Hyderabad, where on dated 06.09.2019 at about 2:50 p.m. one namely Ghulam Mustafa had taken his wife namely Mrs. Kishwar Bano to the Hospital due to labour pain, who require scissor operation for delivery.

3. That, after medical checkup and necessary laboratory tests the undersigned observed that the patient Mrs. Kishwar Sultana was a chronic diabetic patient and having symptoms of chest infection and use of full anesthesia to the applicant will be of serious consequences. Therefore, the undersigned informed the patient's husband accordingly, on which he confirmed that his wife is patient of above-mentioned diseases and also suffering from hypertensive, however he insisted of using full anesthesia for scissor surgery and he has also given Undertaking thereby giving his consent that the Hospital management/ staff will not be responsible of any unforeseen consequences at belated stage.

4. That, it is pertinent to mention here that prior to this the above-named patient had also given birth to a baby, therefore she as well as her husband were very much satisfied with the treatment of the Maajee Hospital.

5. That, after giving the consent of patient's husband, the undersigned administered anesthesia to the patient and thereafter surgery of the patient was conducted which was remained successful and the patient gave birth to a boy baby and remained normal during the whole of the day and night.

6. That, after some time of surgery the patient complained that she was feeling difficult in taking breathe, so medical checkup of the patient was conducted and it was observed that the patient was suffering lack of oxygen saturation and rise in blood pressure and she require ventilation support to maintain oxygen



saturation; and as ICU facility was not available at the Maajee Hospital therefore the patient was referred to MK Hospital Hyderabad for further treatment, where she was provided required treatment, but unfortunately on next day i.e. 07-09-2022 the patient was died.

7. That, as the husband of the patient use to get satisfactorily treatment of himself and her family from Maajee Hospital therefore he did not register any complaint of the matter. However, the patient's brother namely Mr. Zulfiqar Ali S/o Umed Ali lodged complaint before the Sindh Health Care Commission (SHCC), on which the SHCC without giving the proper chance of hearing to the undersigned imposed fine on Maajee Hospital which was accordingly paid by the Maajee Hospital in order to avoid long legal proceedings.

8. That, in pursuance of the said complaint an FIR bearing Crime No.285/ 2021 U/S 319, 34 PPC was lodged at PS A- Section Latifabad in which the undersigned was also nominated along with the Maajee Hospital administration, and the said case is under adjudication before the Honourable Court of 3rd Civil Judge and Judicial Magistrate Hyderabad.

9. That, during the pendency of the said case, the complainant Mr. Zulfiqar Ali S/o Umed Ali due to his malafide intention has filed the instant complainant before the Worthy Chairman Pakistan Medical & Dental Council Islamabad, due to which the show cause notice under reply has been issued to the undersigned.

10. That, it is submitted that the case against the said FIR is under proceedings before the Honourable Court of Law and till date no any allegations has been proved against the undersigned. ...”

VI. REJOINDER

7. A letter dated 30.09.2022 was written to the Complainant enclosing the comments received from the Respondent doctor, directing him to submit his rejoinder.
8. Rejoinder was received from the Complainant on 10.10.2022 wherein he asserted that the claims made by the Respondents are false and misleading. The Complainant further reiterated the facts of his complaint and opposed the statements of the Respondents, praying for justice to be done.

VII. HEARING



9. The matter was fixed for hearing before the Disciplinary Committee for 05.07.2024. Notices dated 27.06.2024 were issued to the Complainant and the Respondent doctors directing them to appear before the Disciplinary Committee on 05.07.2024.
10. On the date of hearing, Respondent Dr. Muharramuddin Memon was present in person before the Disciplinary Committee, however, the Complainant did not appear despite service of notice.
11. The Disciplinary Committee observes that in response to the Notice of hearing for the present meeting to Respondent Dr. Farhat Sultana, a response has been received from her husband. This response has conveyed that Dr. Farhat Sultana has passed away and has attached the Death Certificate from the Medical Superintendent of Liaquat University Hospital, Hyderabad. Accordingly, the proceedings against Dr. Farhat Sultana (19907-S) are recommended to be dropped, being infructuous.
12. The Disciplinary Committee adversely observes that the Complainant did not appear before the Disciplinary Committee. However, in the interest of justice, the Disciplinary Committee has decided to provide last opportunity to the Complainant to appear and if he fails to show up in the next meeting, the instant complaint shall be decided *ex-parte* on the basis of available record. Fresh Notices of appearance shall be issued to the Complainant and the Respondent to appear before the Disciplinary Committee in next hearing.
13. The case is adjourned in the above terms.



Professor Dr. Muhammad Zubair Khan
Chairman

11 September, 2024