

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.676/12

Subject: A case of gross criminal medical negligence

Case of Sh. Ram Narayan Singh

Sri Ram Narayan Singh, village Sabnima , P.S. Athmal Gola, district **Patna** had filed a petition before BHRC indicating **serious criminal medical negligence** on the part of **Dr. Ranjit Kumar**, M.S. (Gen. Surg.) (Specialist Surgeon-on contract), **PHC, Bakhtiyarpur** in performing **hysterectomy** on his wife Smt. Shaila Devi (58 years) on 13.12.2010 at Sakshi Surgery Centre, Sirhi Ghat Lane, Bakhtiyarpur, Patna.

2. Response from SSP Patna indicated that when her condition deteriorated after operation by Dr. Ranjit Kumar, he referred her to Dr. Nirmal Kumar (Khuda Baksh Library, Patna) on 6th February 2011. Dr. Nirmal Kumar found that the **bundle of cotton which had been left** by Dr. Ranjit Kumar in the course of operation, came out with her vaginal discharge on 24th April 2011. He referred the patient to PMCH Emergency Ward for advanced treatment on 25.4.2011. She was again operated upon in PMCH by the team of doctors headed by Dr. (Prof.) I.S. Thakur of Surgery Department. **It was revealed that Dr. Ranjit Kumar, during surgery of the patient, had wrongly connected/stitched the small intestine with the vagina which resulted in food intakes coming out as vaginal discharge just after 10 to 15 minutes of food intakes.**

2.2 SSP, Patna informed that a **criminal case** vide Bakhtiyarpur P.S. Case no.112/11 dated 24.4.2011 u/s 336/34 IPC was lodged against Dr. Ranjit Kumar and his four assistants in connection with the present episode and police filed **charge sheet** on 21.9.2011 in the court against the doctor and his associates. SSP Patna also informed that one Prashant Kumar, vill. Naya Tola, Madhavpur, P.S. Bakhtiyarpur had also filed a criminal case relating to medical negligence by Dr. Ranjit Kumar **leading to death of his mother** vide Bakhtiyarpur P.S. Case no. 353/2011 dated 27.11.2011 u/s 304/34 IPC. Police, submitted **charge sheet** on dated 10.8.2012 against Dr. Ranjit Kumar and his associates in this case as well.

2.3 SSP, Patna was directed by the Commission to ascertain the present status of trial of both the cases mentioned above. Report from SSP, Patna (letter no. 977/GS dt. 15.02.2014) enclosing the report of A.S.P,Barh (Memo no. 462/बाढ़ dt. 11.02.2014) indicate that Bakhtiyarpur PS Case No. 112/11 (G.R no.473/11) was transferred from A.C.J.M, Barh to the court of Sh. Lalan Kumar Judicial

Magistrate, Barh on 22.09.2011 after submission of charge-sheet. **The trial of the case has not yet started.**

Bakhtiyarpur PS Case No. 353/11 (G.R no. 1416/11) was transferred from A.C.J.M, Barh, after submission of Charge-Sheet, to the court of Sh. Ranvijay kumar, Judicial Magistrate, Barh on 21.02.2013. **Trial of this case has also not started.**

3. Commission in its order dated 08th Jan, 2014 felt that although Charge sheets have been submitted in the criminal cases but criminal prosecution may not be adequate for the ends of justice. It directed the **Director-in-Chief, Health Services, Bihar to constitute a committee of doctors** to go into the relevant records and examine Dr. Ranjit Kumar as well and submit report to the Commission. **Director-in-Chief, Health Services, Bihar** has submitted report of the committee constituted by him to the Commission (memo. no. सं०सं०-18 बि मा० आ० 58/2014/ 750(18) dt. 26.05.2014). The committee was headed by the Additional Director, Health Services, Bihar.

The committee recommended:-

- (a) Held the doctor guilty of great medical and surgical negligence.
- (b) Adequate compensation to the victim by the doctor.
- (c) Effective ban on Gynaecological practice & surgery by the doctor.
- (d) Forthwith termination of his service contract with the government and to be debarred for three years to join any government job.

4. Commission in its order dated 02nd June, 2014 directed the Health Deptt. to send response to the Commission's proposal to award compensation to the victim. Health deptt. was told to send response by 02nd July, 2014 after which final orders will be passed. No response has come from the Health Deptt. Dr. Ranjeet kumar was also asked to explain/submit his defence to the Commission. He has done so but he has miserably failed to rebut the charges levelled against him by the committee set up by Health Deptt.

5. **Commission, therefore, directs following actions to be taken in the matter:-**

- (a) **A compensation of Rs.1, 00,000 (One Lakh) be paid to the victim by the Health Deptt. within two months. The compensation be recovered from the Doctor in the manner deem fit by the government.**

(b) Action taken by the Govt. regarding termination of the services Dr. Ranjeet Kumar (as recommended by the committee) to be communicated to the Commission within two months.

(c) A copy of the expert committee report is sent to the Chairman, Bihar Council of Medical Education for effecting ban on the Gynaecological practice and surgery by the Doctor. Action taken be communicated to the Commission within three months.

(d) A copy of the report from Director-in-Chief, Health Services, Bihar be sent to SSP, Patna for needful in regard to Bakhtiyarpur PS Case No. 112/11.

(e) Commission is of the view that the above two cases of serious criminal medical negligence (Barh G.R No. 473/11 & 1416/11) are fit cases for SPEEDY TRIAL by the special court set up by Bihar Government (notification no.1607 dated 18.3.2011) designating the court of Addl. District & Sessions Judge-I as the Court of Session for speedy trial of offences u/s 30 of the Protection of Human Rights Act, 1993. Commission requests Hon'ble High Court, Patna to issue suitable directions in this regard.

6. Copy of this order be sent to (1) the Registrar General, Hon'ble High Court, Patna (for para 2.2,2.3 & 5(e) above), (2) Principal Secretary, Health Department, Government of Bihar (for para 5(a) & (b)), (3) Chairman, Bihar Council of Medical Education, Patna (for para5(c)) & (4) SSP, Patna for necessary action and to the (5) Petitioner & (6) Dr. Ranjeet Kumar, through in-charge, Primary Health Centre(PHC, Bakhtiyarpur), Patna for information.

Date: 25.7.2014

DS.

Sd/-
(Neelmani)
Member