

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File Nos. BHRC/Comp. CD-2724/12

Case of Lukan Thakur @ Lokan Thakur: (Case of compensation for medical negligence in custody)

2.11.2015

The legal heirs of the deceased present.

They submit that the deceased has three sons two of them are present. The name of the three sons are Shivendra Thakur, Indradev Thakur and Suresh Thakur.

The deceased was admitted in jail on 20th March 2012 in connection with certain offence and was an under trial. Health screening of the deceased was done. According to this screening he was not suffering from any disease. He was 65 years old. On 4.6.2012 when his health deteriorated in jail he was transferred to Sadar Hospital Jamui. He died the same day.

On the last hearing it was noted that the deceased died in hospital within minutes of examination by Dr. Ajay Kumar Singh. In fact Dr. Ajay Kumar Singh had not treat him at all because before he could treat the patient the patient died. He had been treated for three months in jail by one Dr. Syed Naushad Ahmad. The record was also perused. It appears from the record that the deceased had complained of knee pain and he was indiscriminately given pain killers. The reason for his pain was never investigated nor was a diagnosis ever made. Eventually he died in hospital and according to post-mortem report he died of C.R. Failure due to shock caused by severe heametemesis. Heametemesis may be caused even by indiscriminate use of pain killers. Since

deceased was administered pain killers for three months without investigating the reason for pain one can reasonably presume that he died because of indiscriminate use of pain killers.

Therefore there is no doubt in my mind that while in jail the jail authorities were negligent in treating the deceased. Therefore, it is a fit case in which compensation can be granted.

Compensation of Rs. two lakh shall be given to the legal heirs of the deceased. Compensation be distributed among the sons and daughters in equal shares.

Copy of the order be given to Principal Secretary, Home; Superintendent, District Jail, Jamui and the legal heirs of the deceased.

Matter is disposed of.

(Justice Bilal Nazki)
Chairperson