

File No. 4801/4/26/2021

02.02.2023

This proceeding was initiated on intimation received from the Secretary Nai Dharti run by an NGO regarding death of an inmate residing in the school run by Nai Dharti namely Varsha Kumari aged about 16 years during treatment IGIMS, Patna.

Cognizance had been taken on 19-08-2021.

During enquiry, copies of, following reports are made available :-

- (i) Copy of Health Screening of prisoners on admission into the prison.
- (ii) Copy of Detail Report of Assistant Director District Child welfare Unit, Patna.
- (iii) Copy of treatment record of the deceased inmate.
- (iv) Copy of Inquest Report.
- (v) Copy of Post Mortem Report along with CD.
- (vi) Copy of Death certificate issued by IGIMS.
- (vii) Copy of Histopathological Examination Report (if any)
- (viii) Copy of Final Cause of Death Report based on FSL report.

In compliance of order dated 03-11-2021 file was referred to the Investigation Division of BHRC for analysis of materials available on the record. It appears from the record that the Investigation Division had called for opinion of Forensic Medicine Expert Dr. Binay Kumar also.

On perusal of opinion of Dr. Binay Kumar Additional Professor, Department of Forensic Medicine & Toxicology dated 29-01-2022 it appears that he had found following :-

- (1) The disease (Hepatitis B) which the patient had suffered earlier has no relation with the event of death.
- (2) No any inquiry report is available in the file.
- (3) Histopathology report is not attached in the file.
- (4) Final opinion related to cause of death by autopsy surgeon is still pending in this case.

However Dr. Binay Kumar is of following opinion :-

- (i) Patient appeared to have died due to septicemia (severe infection). However histopathology report is necessary to arrive to a final conclusion.
- (ii) No any medical or administrative negligence could be found in the available document.

It further appears from perusal of the record that the Investigation Division of BHRC on perusal of the materials available on the record including opinion Dr. Binay Kumar vide its report dated 11.02.2022 had opined as follows :-

"Based on the perusal of the records like medical records, inquest, P.M. Report and Expert Medical opinion, We are of the opinion that the deceased shelter house inmate Varsha Kumari, 16/F died due to disease. However to reach a final conclusion, histopathology report from IGIMS Patna need to be examined.

D.M and Director Social Welfare Department can be directed to get the final opinion regarding cause of death from IGIMS and send the same to the BHRC at the earliest."

In view of above opinion, the D.M. Patna and Director Social Welfare were directed to produce those documents mentioned in the opinion of Investigation Division.

In compliance of the above direction a copy of death certificate was produced and neither copy of histopathological report nor copy Final cause of death report had been made available.

Dr. Binay Kumar on his further opinion dated 14.07.2022 has observed as follows :-

- (i) Patient appeared to have died due to septicemia (severe infection). However his histopathological report is necessary to arrive to a final conclusion.
- (ii) No any medical or administrative negligence could be found from available documents.

Ultimately copy of Histopathological report and final cause of death report were made available by the Assistant Director, District Child Protection Unit, Patna.

Investigation Division of BHRC after receipt of above documents had opined as follows :-

"In the light of re opinion of given by Dr. Binay Kumar, Addl. Professor of FMS Toxicology Department, AIIMS and the latter of Director Social Welfare, Government of Bihar, enclosing the final opinion regarding cause of death from the Doctor who had conducted postmortem on the patient at IGIMS and also the histopathology report of the deceased from IGIMS, it is clear that the deceased inmate of shelter home Varsha Kumar 16/F died of septicemia (Severe infection spread to different parts of body through blood). No any element of medical or administrative negligence could be found from the available documents.

I myself also perused the record and found that on the basis of histopathological report, Doctor, conducting postmortem had found that death is due to septicemia and Forensic Medicine Expert & Investigation Division of BHRC are also of similar opinion. I find no other materials available on the record to differ with above findings.

As such it is apparent that the death of Varsha Kumari an inmate of shelter home Nari Niketan appears to be due to septicemia. Accordingly this file is closed.


(Justice Vinod Kumar Sinha, Retd.)
Chairperson