

Case Details of File Number: 870/34/3/2011**Diary No:** 104294**Name of the Complainant:** TEJANG CHAKMA, COMPLAINTS COORDINATOR**Complainant Address:** ACHR, C-3/441-C, 2ND FLOOR, JANAK PURI, NEW DELHI EMAIL-SUHASCHAKMA@ACHRWEB.ORG**Name of the Victim:** FULMANI DEVI**Place of Incident:** DEOGARH SADAR HOSPITAL**Date of Incident:** 07/07/2011**Action Taken:**

This case relates to the death of a pregnant woman named Phoolmati Devi. She was carrying a still baby in her womb and was denied proper medical care by the doctors of Sadar Hospital, Deoghar as a result of which she lost her life on 7.7.2011. The Commission after considering the materials available on record came to the conclusion that Phoolmati Devi lost her life due to the negligence of the doctors. Therefore, a notice was directed to be issued to the Govt. of Jharkhand requiring it to show cause as to why an amount of Rs.Three Lakhs be not recommended to be paid to the next of kin of deceased Phoolmati Devi u/s 18 of the Protection of Human Right. Addl. Chief Secretary, Govt. of Jharkhand who is present today undertakes to make the payment of Rs.Three Lakhs to the next of kin of the deceased Phoomati Devi within fifteen days as suggested in the proceedings of the Commission dated 11.8.2016. The Commission has also been informed that departmental proceedings have been initiated against the delinquent doctor on whose negligence a precious life of a person was lost. Placing on record the undertaking given by the Addl. Chief Secretary, Govt. of Jharkhand, the case is closed. A copy of these proceedings shall be also sent to the next of kin of the deceased Phoolmati Devi.

Status : Action Taken On 07/09/2016**Action Due Date:** 07/09/2016

National Human Rights Commission New Delhi, India



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| Diary Number | 104294 |
| Name of the Complainant | TEJANG CHAKMA, COMPLAINTS COORDINATOR |
| Address | ACHR, C-3/441-C, 2ND FLOOR, JANAK PURI, NEW DELHI EMAIL- SUHASCHAKMA@ACHRWEB.ORG WEST DELHI , DELHI |
| Name of the Victim | FULMANI DEVI |
| Address | R/O VILL- GHORMARA, BLOCK- MANOHAR PUR DEOGHAR , JHARKHAND |
| Place of Incident | DEOGARH SADAR HOSPITAL DEOGHAR , JHARKHAND |
| Date of Incident | 7/7/2011 |
| Direction issued by the Commission | This case relates to the death of a pregnant woman named Phoolmati Devi. She was carrying a still baby in her womb and was denied proper medical care by the doctors of Sadar Hospital, Deoghar as a result of which she lost her life on 7.7.2011. The Commission after considering the materials available on record came to the conclusion that Phoolmati Devi lost her life due to the negligence of the doctors. Therefore, a notice was directed to be issued to the Govt. of Jharkhand requiring it to show cause as to why an amount of Rs.Three Lakhs be not recommended to be paid to the next of kin of deceased Phoolmati Devi u/s 18 of the Protection of Human Right. Addl. Chief Secretary, Govt. of Jharkhand who is present today undertakes to make the payment of Rs.Three Lakhs to the next of kin of the deceased Phoolmati Devi within fifteen days as suggested in the proceedings of the Commission dated 11.8.2016. The Commission has also been informed that departmental proceedings have been initiated against the delinquent doctor on whose negligence a precious life of a person was lost. Placing on record the undertaking given by the Addl. Chief Secretary, Govt. of Jharkhand, the case is closed. A copy of these proceedings shall be also sent to the next of kin of the deceased Phoolmati Devi. |
| Action Taken | Concluded and No Further Action Required (Dated 9/7/2016) |
| Status on 10/16/2018 | The Case is Closed |

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Note: For further details kindly contact **National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023**

For Complaints ; Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: cr[dot]nhrc[at]nic[dot]in

नोट: अन्य जानकारी हेतु कृपया संपर्क करें **राष्ट्रीय मानव अधिकार आयोग, मानव अधिकार भवन, ब्लॉक-सी, जी.पी.ओ. कम्प्लेक्स, आई.एन.ए., नई दिल्ली - 110023,**

शिकायतों के लिए : फोन नं. 24651330, 24663333 फैक्स नं. 24651332 ई-मेल : cr[dot]nhrc[at]nic[dot]in

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अस्वीकरण : नेट पर प्रकाशित सूचना में, अनजाने में हुई किसी भी गलती के लिए न तो एन.एच.आर.सी. न ही एन.आई.सी. जिम्मेदार है।



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No.870/34/3/2011

12.08.2016

17 AUG 2016

To

Tejang Chakma,
Complaints Coordinator,
Asian Centre for Human Rights,
C-3441-C(2nd Floor), Janakpuri,
New Delhi-110058.

Subject: Your Complaint dated 12.5.2011 regarding death of Dalit pregnant women Fulmani Devi and her baby in her womb due to denial of treatment at Deoghar Sadar Hospital in Deoghar District of Jharkhand on 7/7/2011.

Sir,

The subject case was considered by the Commission on 11/8/2016 and the Commission has directed as follows:-

"These proceedings shall be read in continuation of the earlier proceeding of the Commission dated 1.7.2015.

Pursuant to the directions of the Commission, Principal Secretary to the Government of Jharkhand, Department of Health Medical Education & Family Welfare vide communication dated 26.5.2015 submitted that in a letter issued by the department dated 9.12.2013, it was inadvertently written "three men enquiry committee." Actually the joint enquiry was done by Shri Ravi Raj Sharma, District Transport Officer, Deoghar and Shri Mithilesh Kumar Jha, Executive Magistrate, Deoghar. They had submitted their joint enquiry report to Deputy Commissioner, Deoghar on 13.7.2011. The copy of the same has been enclosed.

In the joint magisterial enquiry report, it is mentioned that on 5.7.2011 at 11:10 a.m., Phoolmani Devi wife of Nunulal Mirdha, resident of Village Pyar - Vidnter, PS Simultalla, District Jamui was admitted to District Civil Hospital Jamui. The primary check-up was done by Dr. Meenu Mukherjee. She recorded that "FHS not audible and membrane ruptured." This indicates that the child in womb was not breathing and there was swelling on the forehead of the child. On 5.7.2011, Dr. Meenu Mukherjee had gone to Ranchi for training. She had also advised ultrasound. Shri Nunulal Mirdha husband of Phoolmani Devi had informed that due to paucity of money he could not manage ultrasound outside the hospital whereas the ultrasound machine inside the hospital was non-functional because of non-availability of the operator.

During admission, Phoolmani Devi was given saline and doctor also asked her husband to arrange 3 units of blood. The husband has alleged that his wife was not properly treated in the hospital and behaviour of the nurse and the lady medical officer was not good. On 7.7.2011 between 10:00 a.m. to 11:00 a.m., she was referred to PMCH, Dhanbad but due to the serious condition of the patient, she was not shifted. On 7.7.2011, Dr. Rajeev Pandey conducted operation and took out a dead child from the womb. The mother Phoolmani Devi remained unconscious and thereafter on 8.7.2011, she died.

The enquiry officer on 9.7.2011 recorded the statement of Dr. Renu Sinha who informed that primary treatment was given by Dr. Meenu Mukherjee. Smt. Phoolmani Devi was suffering from fever and was restless. Even after giving blood, her condition remained critical. Dr. Rajeev Pandey in his statement dated 9.7.2011 has informed that he received a call from civil surgeon at 4:00 p.m. and he came to hospital and conducted operation. She was very serious and body became poisonous because the child in womb had died long back. He took out a dead child from womb. After the operation, she became relaxed and her blood pressure was normal but 12 hours after the operation, she died due to septicemia.

On 1.7.2015 the Commission observed that directed thus:-

The team of magisterial enquiry concluded that deceased Phoolmani Devi was from a very poor family. She was not in a position to have treatment in a private nursing home. She came to District Hospital Jamui. At the time of inspection, it was found that the child in womb had died and her condition is serious. It was the duty of the lady medical officer to first save the life of Smt. Phoolmani Devi by immediately taking out the child from her womb but during these 3 days, Dr. Renu Sinha had failed to conduct emergency operation. The enquiry team also observed that no sensitivity was shown by the medical officers and they kept the dead child in the body of Phoolmati for 3 days. Consequently, septicemia was developed in the body. The team was of the view that carelessness has been observed. Dr. Renu Sinha has committed carelessness in treating the patient Smt. Phoolmani Devi. Consequently, she died. On the basis of above, it is a clear case of violation of human rights.

Accordingly, it is directed that a notice under Section 18 of the Protection of Human Rights Act, 1993 be issued to the Chief Secretary, Government of Jharkhand to show cause as to why the next of kin of the deceased be not recommended interim relief.

Secretary to the Government of Jharkhand, Department of Health Medical Education and Family Welfare, Ranchi should inform the Commission as to what action has been initiated against the errant medical officers.

The Commission perused that the show-cause notice to the Chief Secretary Government of Jharkhand had not yet been issued, therefore, issue a notice to the Chief Secretary Government of Jharkhand now calling upon him to show cause as to why monetary compensation of Rs. 3,00,000/- (Rupees three lakh Only) should not be recommended u/s 18(a)(i) of Protection of Human Rights Act, 1993 to be paid to the next-of-kin of the deceased Smt. Phoolmani Devi for the violation of her Human Rights.

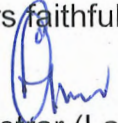
The Principal Secretary Government of Jharkhand, Department of Health and Medical Education has not submitted the report as to what action has been initiated against the errant medical officers' (culprits) in the incident.

Chief Secretary, Government of Jharkhand may submit reply to the Commission on or before 7.09.2016.

*The matter shall be taken up during camp sitting of the Commission in Ranchi at Judicial Academy Jharkhand, Near Dhurwa Dam, Dhurwa, Ranchi - 834004 on 8th September, 2016 at 11.00 AM. The concerned authorities are directed to remain present at the time of hearing of the matter. **The complainants be also informed to attend hearing of his cases at the above-mentioned date and time**"*

This is for your information.

Yours faithfully.



Assistant Registrar (I aw)