

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna – 15

File No **BHRC/COMP.** 1711/2013

Case of Dr. S. Vivekananda

Dr. Jignesh Thakker, coordinator, PNDT, Indian Radiological & Imaging Association, New Delhi complained to BHRC about the unruly behaviour and harassment meted out to Dr. S.Vivekananda, Radiologist, Rahim Ultrasound Centre, Line Bazar, **Purnia** by Dr. R.C Mandal the then **Civil Surgeon, Purnia**. According to the complaint from Dr. S. Vivekananda, his ultrasound clinic was **unauthorisedly sealed** on 9th April, 2013 and a show cause notice was served on him on 18th April, SUSPENDING the license provided to the clinic by the same Civil Surgeon alleging that **PNDT Act 1994 (revised in 1996) (Pre-Natal Diagnostic Technique(Regulation & Prevention of Misuse) does not allow portable ultra sound machine in the clinic.**

2. Principal Secretary, health department was asked to send report. Health Department directed Regional Deputy Director, Health Services, Purnia Division to inquiry into the allegations. **Regional Deputy Director, Health Services, Purnia** has submitted report to the Commission that allegations levelled by, Dr. Jignesh Thakker in so far as it relates to misinterpretation of the act by the then Civil Surgeon, Purnia in sealing the ultra sound clinic is concerned, **appeared to be true.** Regional Deputy Director, mentioned that the licence for the ultrasound centre **was renewed by** the same Civil Surgeon, Purnia on 31.03.2012 for a period of five years on the basis of application form submitted by Dr.S. Vivekananda mentioning the model of the machine as DP-6600 in para 8 of his application. Now the same Civil Surgeon, in his show cause notice to the doctor, says that model DP- 6600 is portable and not allowed under the Act.

3. **It is , therefore, strange that the same Civil Surgeon who at one point of time grants licence for five years for ultra sound machine model DP-6600 is now charging him for keeping the machine and suspends his licence until further orders on 18.04.2013.** Dr. S.Vivekanand in his complaint, has mentioned that soon after sealing his clinic, the Civil Surgeon demanded illegal gratification of Rs. 5,00,000 (Five Lakhs) which he refused to oblige. **According to the petitioner his clinic still remains sealed.**

4. **Prima facie a case of harassment and misuse of authority by Dr. R.C Mandal, the then Civil Surgeon, Purnia is made out. Commission, therefore, proposes following actions in the matter:-**

(a) A **Departmental proceeding** should be initiated by the government against Dr. R.C Mandal, the then Civil Surgeon, Purnia for his mala fide act.

(b) A **compensation of Rs.1,00,000(One lakhs)** be paid to Dr. S. Vivekanad by the government for the harassment meted out to him by the then Civil Surgeon, Purnia.

(c) **Subject to the out-come of the departmental proceeding, government to recover the amount of compensation from Dr. R.C Mandal,the then Civil Surgeon, Purnia.**

(d) Health Department, Govt. of Bihar to send its response to the commission on the above proposed actions by **30th April** failing which necessary orders will be passed.

(e) Health Department to inform Dr. R.C Mandal, the then Civil Surgeon, Purnia, to submit his defence to the commission by **15th April, 2014**. It be clarified to him that if he fails to submit his defence by the due date line it will be presumed that he has nothing to say and orders will be passed by the commission.

(5) A copy of complaint filed in BHRC and report of Regional Deputy Director, Purnia be made available to the Principal Secretary Health Department for necessary action (w.r. to health deptt.letter no. सं०सं०-बि०मा०आ०-28/2013-1514(18)/ dt. 30.08.2013)

(6) Copy of the order be sent to the **Principal Secretary, Health Department** Govt. of Bihar for necessary action and to (2) Dr. Jignesh Thakker and (3) Dr. S. Vivekananda for information.

(7) The file be put up before me on or before 05th May, 2014 when the case is listed next.

Date: 03.03.2014

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(Neelmani)
Acting Chairperson

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