

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna – 15

File No **BHRC/COMP.** 3463/12

Case of Manoj Kr. Mishra

17.11.2014

Petitioner Mr. Manoj Kr. Mishra is present along with victim's father. Dr. Rajendra Chaudhary, IDH, Agamkuan is present along with Dr. Deenbandhu Sharma, Director, Health Services, ESI.

The victim's father has alleged that his son aged 8 years died because of negligence of Civil Surgeon as he did not provide the injection necessary for his boy who had received dog-bite. A team of two doctors did not find any negligence on the part of the doctor. The petitioner contends that the doctor had demanded Rs.500 from him for supplying the necessary injection. The doctor denies. The doctor's explanation is that when he approached the dispensary medicine was not available and he was advised to go home, but he should see him after four days. Then he approached respondent who advised to approach him after four days but he never came back.

These questions of fact cannot be decided by the Commission as there is no conclusive evidence before the Commission either way. Committee of experts have given clean chit to the Civil Surgeon and their opinion cannot be substituted by the opinion of the Commission in the absence of any contrary evidence.

On last day we had summoned the doctor who had treated and issued certificate of death. Dr. Rajendra Chaudhary is present. He submitted all medical records of the deceased maintained from 14.7.2012 to 17.7.2012. On examination of records it was found that the boy was diagnosed with "dog-bite" and he was treated for three days but he could not be cured. On the basis of the symptoms of the disease it can be said that he died of dog-bite but at the request of the petitioner no post-mortem had been carried out. The Commission feels that it can be presumed even in the absence of a post-mortem report that the boy died of dog-bite.

Street dogs are becoming a menace in every part of the country and it is the responsibility of the state to protect its citizens from such threats. People need to be saved from such bites. Therefore I direct the government to pay a compensation of rupees twenty-five thousand (Rs.25,000) to the petitioner.

The order shall be sent to Principal Secretary, Health who shall comply the order within a period of eight weeks.

Compensation shall be paid by way of cross-cheque or transferred to the accounts of the petitioner.

The matter is closed.

(Justice Bilal Nazki)
Chairperson