

# BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

**File No. BHRC/Comp.370/12**

**(Suo Motu Cognizance)**

**Subject:** Tubectomy operations conducted by an NGO in Araria District (07.01.2012)

This is regarding **tubectomy** operations conducted by an NGO, namely, "Jai Ambe Welfare Society" in Higher Secondary School in village Kaparfora Panchayat under **Primary Health Centre**, Kaparfora P.S. Kursakata, Araria on 7<sup>th</sup> January, 2012. BHRC had taken **suo motu** cognizance of a newspaper report indicating that tubectomy operations were conducted flouting norms laid down by the government for such medical procedures, operations were performed in late evening/night without any light and arrangement of bed etc. etc. for the patients and without taking adequate minimum precautions.

2. Response was sought from the **Health Department**, Government of Bihar and **DIG, Purnea Range**. Inquiries into the episode were conducted by Dr. Krishna Kumar Singh, **Addl. Director, Health Services, Bihar, Regional Deputy Director, Health Services, Purnea** and review done by **Divisional Commissioner, Purnea** and **DIG, Purnea Range**. **Inquiry/review exposed the following main irregularities:-**

(a) Standard Operating Procedure and prescribed standards were not followed by Jai Ambe Welfare Society during tubectomy operations.

(b) Fifty-three women were operated in three hours from 7 PM to 10 PM by just one doctor and they were allowed to rest on the ground only with no arrangements for cots etc. etc.

(c) Society utilised the services of a medical officer (for operations) who was only a contractual appointee with the government.

(d) Some of the medicines distributed to the patients were of expiry date

(e) There was no medical officer for post operative check-up in the camp,

(f) Society had not made proper arrangement for operations and post operative care.

**3. Government informed the Commission that following administrative actions were taken in the matter:-**

(a) The orders given to Jai Ambe Welfare Society, Purnea by District Health Society, Araria was terminated, the NGO was blacklisted and information circulated to all the districts in State.

(b) Services of Dr. A.K. Chaudhary, who had performed the tubectomy operations, were terminated.

(c) Departmental proceedings were started against Dr. Rajendra Kumar, Incharge PHC, Kaparfora and Dr. Sri Nandan

(d) Departmental Proceeding started against Dr. R. C. Mandal, Civil Surgeon, Purnea for unauthorizedly allotting tubectomy operations to the same NGO in Purnea district as well.

4. **DIG, Purnea** informed that soon after the incident came to light, SHO of Kursakata P.S. (Purnea) instituted case on his own statement vide Kursakata P.S. Case No. 3/12 dated 8.1.2012 u/s 269, 328, 420, 34/120(B) IPC which was found to be true against five named accused (three of whom are the compounders/touts and two are connected with the NGO). Drug Inspector, Araria also lodged case no.05/12 dated 8.1.2012 u/s 420/34 IPC and section 27 (L)(ii)/28A, 18A Drug Control Act against the same set of accused persons. It was found to be true during supervision. Criminal liability of Dr. A.K. Chaudhary (who conducted the operation) and Dr. Rajendra Kumar, **Incharge PHC, Kaparfora** was not established. They were found to be administratively negligent for which proceeding was recommended.

5. Petition received from Sri Radha Kant Tripathy, an Advocate and Rights activist of Supreme Court of India through the NHRC alleged how failure of the health authorities resulted in large scale sufferings to as many as 61 women patients during the operation and requested for an **investigation** of the matter and **award of compensation** to the victims. A detailed enquiry report on alleged

irregularities in the sterilization camp was also submitted to the Commission by the **PUCL, Bihar State Unit**, enumerating serious lapses. Both were sent to the Health Department for response.

6. **Dr. N.K. Azad, IG BHRC**, is directed to conduct inquiry and submit report to the Commission on the points enumerated below. He will be assisted in Inquiry by **Dr. Krishna Kumar Singh, Addl. Director, Health Services, Bihar** who had earlier conducted inquiry into the matter. IG will also be assisted by **SP, BHRC**.

(a) **Adequacy of actions taken so far in respect of the administrative lapses and the criminal negligence in the episode**

(b) **The victims who suffered due to negligence have not approached the Commission directly so far. It may be due to their poor economic conditions or illiteracy. IG, BHRC to locate and examine claims of such victims who have suffered their human rights violation so that they are adequately compensated by award of compensation.**

(c) Any other recommendation considered fit to prevent recurrence of such lapses.

(d) IG will ensure submission of report to the Commission not later than **30<sup>th</sup> April, 2014**.

7. **Principal Secretary, Health Department**, Government of Bihar is requested to direct **Dr. K.K. Singh, Addl. Director, Health Services** to assist **IG BHRC**, as and when required.

8. Copy of the order be sent to (i) **Dr. N.K. Azad, IG, BHRC** for necessary action (ii) **Sri S.K. Jha, S.P, BHRC** and (iii) **Principal Secretary, Health Department, Government of Bihar** for information and necessary action.

9. Copy of the order be also sent to **Sri Radha Kant Tripathy**, Advocate and Rights Activist, 27, Old Lawyers Chambers, Supreme Court, New Delhi-110011 and **Sri Manish Kumar**, OSD to President, **PUCL, Bihar State Unit**, 204, Neelgiri Bhawan, West Boring Canal Road, Patna – 800001, for information

Date: 19.2.2014

(Neelmani)  
**Acting Chairperson**

D.S.