

BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.3045/15

Sub: - **Medical negligence—administration of expired medicines.**

Case of **Sh. Rakesh Kumar Pandey, distt. Patna.**

Sh. Rakesh Kumar Pandey, s/o Sh. Vijay Pandey, Moh. Gaighat, Kharakuan, PS. Alamganj, distt. Patna had complained to the Commission that his sister Smt. Ranidevi was admitted in Navjeevan Laparoscopy & Maternity Hospital, Gaighat, Patna on 5th June, 2015 **for delivery**. After operation she gave birth to a **still born child**. It was found that she had been continuously **administered expired medicines**. When police searched the hospital lots of expired medicines were found in the store. A criminal case was lodged by the petitioner. (Alamganj PS Case No. 142/15 dt. 12.06.2015 u/s 304/120-B/IPC).

2. Consequent to the order of the Commission Sh. Hari Mohan Shukla, **SDPO, Patna City** and the **petitioner appeared** before the Commission on **30.06.2016**. SDPO has informed that the Medical Board, constituted at the instance of the police, by Civil Surgeon-cum-Chief Medical Officer, Patna has given following opinion:- **Quote** "1. पीड़िता रानी देवी का सही एवं मानक चिकित्सीय पद्धति से ईलाज नहीं किया गया। DUVADILAN INJ. का प्रयोग Post Datism में किये जाने का औचित्य नहीं है।

2. चिकित्सा के दौरान DUVADILAN INJ. छोड़कर अन्य दवाएँ उचित व मानक थी।

3. पीड़िता की बच्चा की मृत्यु ईलाज के क्रम में मृत्यु हुई।" **Unquote**

2.2. SDPO has made available a copy of the report of Drug Inspectors in regard to **twelve** types of expired medicines seized from the clinic, two of whom were administered to the petitioner's sister. **SDPO informs that a criminal case**

has to be registered by the Drug Deptt. for the offences relating to seizure of expired medicines.

2.3 SDPO has informed that he has ordered for the arrest and property attachment of Dr. Naveen Kumar and his two compounders Rinku Kumar & Rajesh Kumar u/s 316/308/120-B 34 IPC.

2.4. The Petitioner submitted a news item published in Hindustan daily (25thJan, 2016) that the Drug Control Authorities have recommended action against Dr. Naveen Kumar and Drs. Aaditi Priyadarshani under various sections of the Drugs & Cosmetics Act, 1945, E.C Act and IPC.

3. Commission, therefore, directs as under:-

(a) SP, City (East), Patna will inform the Commission about the status of legal action and arrest of the accused persons by 31st Aug, 2016.

(b) State Drug Controller, Bihar will inform the Commission about administrative & legal action taken regarding recovery of expired medicines.

(c) Chairman, Bihar Council of Medical Registration will inform the Commission about action taken against the doctor within three months.

(d) A copy of the order be also sent to the Secretary, Medical Council of India , New Delhi for information.

4. Copy of the order be sent to (i) SSP, Patna (ii) SP, City (East), Patna (iii) SDPO, City, Patna (iv) Chairman, Bihar Council of Medical Registration, Patna (v) State Drug Controller, Bihar, Patna (vi) Secretary, Medical Council of India, New Delhi and to the (vii) Petitioner for necessary action.

5. The matter be listed on 06th September, 2016.

Sd/...

Date: 01.07.2016

(Neelmani)

Member

Asstt. Registrar