

National Human Rights Commission

Diary No	100404	Case / File No	26535/24/72/2015
Victim Name	ROHIT S/O MEENA DEVI	Registration Date	04/07/2015

Action List (Click on Action given in blue color to view details)

Action No.	Action	Authority	Action Date	Due Date	Completion Date
10	Relief granted [Compensation, Disciplinary & Prosecution]	THE CHIEF SECRETARY GOVERNMENT OF UTTAR PRADESH, LUCKNOW.	23/03/2020	20/07/2020	
9	Show Cause Notice Issued (Comments)	THE CHIEF SECRETARY GOVT. OF UTTAR PRADESH, LUCKNOW	19/08/2019	20/10/2019	
8	Additional Information Called for	THE DIVISIONAL COMMISSIONER, VARANASI, UTTAR PRADESH	18/04/2019	03/06/2019	
7	Additional Information Called for	THE DIVISIONAL COMMISSIONER, VARANASI, UTTAR PRADESH	25/09/2018	10/11/2018	07/12/2018
6	Additional Information Called for	VARANASI, UTTAR PRADESH	19/03/2018	06/05/2018	
5	Additional Information Called for	THE DIVISIONAL COMMISSIONER, VARANASI, UTTAR PRADESH	19/03/2018	06/05/2018	
4	Additional Information Called for	THE DIVISIONAL COMMISSIONER, VARANASI, UTTAR PRADESH	28/03/2017	08/05/2017	21/02/2018
3	Additional Information Called for		04/07/2016	09/09/2016	
2	Additional Information Called for		29/03/2016	05/05/2016	17/05/2016
1	Notice Issued	THE DISTRICT MAGISTRATE VARANASI, UTTAR PRADESH	31/07/2015	10/09/2015	17/11/2015

[Expand All Action List](#)**Action****Action : Relief granted [Compensation, Disciplinary & Prosecution](Action No 10)**

Action Date	23/03/2020	Due Date	20/07/2020	Completion Date	
Authority	THE CHIEF SECRETARY, GOVERNMENT OF UTTAR PRADESH, LUCKNOW.				
Proceeding	<p>The complainant alleges that her 5 months old child died due to negligence of doctors on 20.05.2015. She had taken her child for treatment to emergency ward of nourishment Rehabilitation Center but they refuse to admit her child. Due to non-providing of right treatment of her child on time, her child succumbed to death due to poor health.</p> <p>In response, Commissioner Varanasi, vide communication dated 28.05.2019 filed the report of ADM, Finance and Revenue, Jaunpur dated 27.05.2019 along with the statements of the complainant, her mother, doctor and Anganwari worker etc. dated 25.05.2019. The report reveals that as per the directions of the Commission, the enquiry was conducted by ADM, Finance and Revenue, Jaunpur. The enquiry was conducted on 25.05.2019 at the spot and during the enquiry, Naib Tehsildar, Lekhpal, Pradhan, victim, her mother, anganwari workers and doctor etc. were present and their statements were recorded. The report further reveals that the cause of death of the child was due to lack of awareness regarding medical services before or after birth provided by the Govt. and due to non-availing of those services despite told by medical workers various times. Since the deceased child was weak by birth and the mother of the deceased child has also become mother at small age which is another reason for the weakness/ malnutrition in the child at the time of birth. The report further reveals that the victim and her mother are resident of village Raitara Musahar Basti which is an under developed area and lacks basic amenities/ facilities including education, cleanliness, general awareness regarding Govt. health measures as well as other measures/ schemes. The mother of the victim is still living in a hut and has not received house under Pradhan Mantri Awas Yojna. The report also revealed that the</p>				

residents also informed that the Anganwari Center is far away from their locality but still the Anganwari workers distribute the nutrients.

The Commission vide proceedings dated 19.08.2019 directed as follows:-

“The Commission observed that the present complaint is pending since year 2015 and the area is still under the grip of malnutrition, starvation as well as uncleanliness, untidy and is facing the lack of basic amenities and general awareness regarding the Govt. Schemes/ measures. Therefore the Commission directs Commissioner Varanasi U.P. to inform the Commission:

a. What remedial/ social measures/ Govt. measures have been taken for the upliftment of the Musahar caste people in the area village Raitara Musahar Basti?

b. Why Anganwari Center is not working/ established at village Raitara Musahar Basti?

The Commission has also observed that as per the report the mother of the victim still has not received any house under the Pradhan Mantri Awas Yojna. It is an admitted fact that the victim and her mother belongs to Masahar caste which comes under Scheduled Caste category and there are several Govt. schemes, welfare measures for the upliftment of this section. Therefore the Commission directs Commissioner Varanasi U.P. to inform the Commission:

a. whether the house under PMAY scheme has been given to the victim’s mother

b. whether any monthly pension is being provided to the mother of the victim

The Commission has observed that the 5 months old child Rohit was not given proper treatment by doctors who attended him, on 14.05.2015, the mother of the deceased had gone to the hospital without the company of Anganwadi worker and she was referred from one hospital to other and did not received treatment/ attention from the doctors which was required. It appears to be a case of sheer negligence of doctors and total failure of ICDS system on the part of Health Care System. Due to which the victim suffered and lost her child. Therefore the Govt. is vicariously liable for the negligent acts of its employees which is the violation of Human Rights of the victim. Therefore, the Commission issues show cause notice u/s 18 of PHR Act 1993 to Chief Secretary, Govt. of U.P. for the adequate interim monetary compensation to be paid to the NOK Ms. Meena Devi, mother of the deceased Master Rohit for the violation of human Rights. Response within 6 weeks. In case the reply is not received within the stipulated time, it shall be presumed that he has nothing to say in the matter and the Commission shall proceed on the basis of documents available on record”.

No report/reply to show cause notice has been submitted by the Chief Secretary Government of U.P which means that the Chief Secretary Government of U.P has nothing to urge in the matter and Commission reiterates its earlier stand and recommends the payment of Rs. 1,00,000/- (Rs. One Lakh only) to be paid to the NOK of the deceased, as compensation.

Chief Secretary Government of U.P also to inform the Commission:

a. whether the house under PMAY scheme has been given to the victim’s mother

b. whether any monthly pension is being provided to the mother of the victim

The Commission directs Chief Secretary Government of U.P to submit the compliance report along with the proof of payment.

Response within 6 weeks.

Secondary Action List

Secondary Action No	Secondary Action	Secondary Action Date	Secondary Action Due Date	Secondary Completion Date
1	Grant of Compensation	23/03/2020	20/07/2020	

Complaint

Diary No	100404	Section	M-5
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Language	HINDI	Mode	BY POST
Received Date	27/05/2015	Complaint Date	22/05/2015

Victim

Victim Name	ROHIT S/O MEENA DEVI	Gender	Male
Religion	Unknown	Cast	Unknown
Address	R/O. PINDRA, GRAM PANCHAYAT, PINDRA RAITARA		
District	VARANASI	State	UTTAR PRADESH

Complainant

Name	SHRUTI NAGVANSHI		
Address	PVCHR, 4/2A, DAULAT PUR		
District	VARANASI	State	UTTAR PRADESH

Incident

Incident Place	PINDRA	Incident Date	20/05/2015
Incident Category	MALFUNCTIONING OF MEDICAL PROFESSIONALS		
Incident District	VARANASI	Incident State	UTTAR PRADESH
Incident Details			

Cause List

List No	Case / File No	Listing Date	Category
9	26535/24/72/2015	21/09/2020	COMPLIANCE REPORT CASES
8	26535/24/72/2015	16/01/2020	COMPLIANCE REPORT CASES
7	26535/24/72/2015	26/07/2019	COMPLIANCE REPORT CASES
6	26535/24/72/2015	04/02/2019	COMPLIANCE REPORT CASES
5	26535/24/72/2015	01/06/2018	COMPLIANCE REPORT CASES
4	26535/24/72/2015	12/06/2017	COMPLIANCE REPORT CASES
3	26535/24/72/2015	30/09/2016	FOR FINAL DISPOSAL
2	26535/24/72/2015	10/06/2016	FOR FINAL DISPOSAL
1	26535/24/72/2015	03/09/2015	FOR FINAL DISPOSAL