

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (PIL) No. 645 of 2021

Court on its own motion
Versus

The State of Jharkhand Respondent

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

On behalf of Court :
For the State : Mr. Sachin Kumar, A.A.G.-II

Oral Order

02 / Dated : 18.02.2021

We are initiating this proceeding on the basis of the electronic mail received from one of the Advocates of this High Court viz., Mr. Anup Agarwal, on 17.02.2021. When the mail was received it had a disturbing revelation that a lady, who is a resident of Jamshedpur, was perhaps subjected to torture and was put on fire as a result of which she got more than 90% burn injury. Some unknown person brought her to the door of the management of MGM Hospital and then he disappeared. The allegation made in the electronic mail is regarding the negligent attitude adopted by the MGM Hospital, Jamshedpur as it is alleged that she was left half-naked and without any proper medical facilities. On the basis of the aforesaid fact stated in the electronic mail, the case was directed to be listed as a first case today on 18.02.2021.

2. However, when the matter was taken up, Mr. Agarwal informed us that the lady has died of burn injury. Mr. Agarwal has further informed us that the lady was not kept in the burn ward. Initially, she was simply kept on a bed. Mr. Agarwal has sent some photographs of the lady which reveal that in one photograph she was sitting on the floor besides the bed. It has been alleged by Mr. Agarwal that since she

was not given immediate treatment by admitting her to the burn ward it has caused loss of her life.

3. Mr. Sachin Kumar, learned AAG-II has informed us that as per his instruction received till now there were 20 seats in the burn ward and 24 patients were there and no seat was vacant and, therefore, she was kept in the emergency ward.

4. The aforesaid sort of explanation, apart from being amazing, requires to be rejected at the outset. It also shows that the MGM authorities do not have any element of compassion. They are not able to take a decision as to who should be treated first in certain circumstances and they are utilizing dilly-dallying tactics in the treatment. However, this is our *prima facie* observation as we are not at all satisfied with the information given by the MGM Hospital to the learned Addl. Advocate General.

5. This untowards and unfortunate incident has given rise to several questions regarding attitude of the Management of the Hospital, the facilities which are to be provided either by the State or by any competent authority to such Hospitals and perhaps it also shows lack of training to the concerned doctors and staffs in dealing with the situation as in no case a lady with 90% burn injury can be kept like that which is revealed from the photographs sent by Mr. Agarwal.

6. Accordingly, we would direct the Member Secretary, JHALSA to make an enquiry in this matter and submit a report to this Court within a period of one week. He would be at liberty to select a team of his choice. Apart from that, let the State also file counter affidavit answering the issues.

7. A very important question to be answered by the State is as to whether when the lady came to the Hospital with more than 90% burn injury, immediately any information was given to the police and whether the police has immediately lodged First Information Report?

8. This is made clear that the Hospital Management and the State Authorities will fully cooperate with the Member Secretary, JHALSA during the enquiry which would be made by him in view of the direction of this Court.

9. During the course of enquiry, the State Authority should provide sufficient support and safety to the Member Secretary, JHALSA. We would direct the Deputy Commissioner, East Singhbhum, Jamshedpur as well as the Superintendent of Police, East Singhbhum, Jamshedpur to take steps in that regard especially the protection which is to be provided to the Member Secretary, JHALSA in course of enquiry. The entire expenditure to be incurred in the enquiry would be met by the State Authority.

10. Put up this matter on 25.02.2021.

11. Let the name of Mr. Anup Agarwal, learned counsel, be reflected in the daily cause list henceforth.

12. Let the name of Mr. Sachin Kumar, learned A.AG-II, be also reflected on behalf of the State in the daily cause list henceforth.

13. Let a copy of the order be immediately communicated to the Member Secretary, JHALSA and learned A.A.G.-II.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)