

CONFIDENTIAL

C-12016/48/2021-Lokpal /1042



भारत के लोकपाल
Lokpal of India

Plot No-6, Phase II,
Institutional Area, Vasant Kunj,
New Delhi-110070, dated 31st August, 2021.

To,

Shri Umeshchnadra Barkur,
A-15, Neeta Apartments,
Chaphekar Bandhu Marg, Mulund(E),
Mumbai, Maharashtra - 400081

Sub: Order dated 24.08.2021 of the Hon'ble Bench of Lokpal of India for Complaint No. 48/2021.

The undersigned is directed to enclose herewith a copy of the Order dated 24.08.2021 of the Hon'ble Bench of Lokpal of India for Complaint No. 48/2021 for your information please.

Yours faithfully,

(Arvind Mishra)
Deputy Registrar
Tel. 2612 5014

Encl.: Copy of the order dated 24.08.2021 of the Hon'ble Bench of Lokpal of India for Complaint No. 48/2021.

LOKPAL OF INDIA
[Plot No. 6, Institutional Area, Phase-II, Vasant Kunj]
New Delhi

Complaint No. : 48/2021

Date : 24th August, 2021.

Coram : **Justice Pinaki Chandra Ghose**
Hon'ble Chairperson

Justice Pradip Kumar Mohanty
Judicial Member

Justice Abhilasha Kumari
Judicial Member

Shri Dinesh Kumar Jain
Member

Smt. Archana Ramasundaram
Member

Shri Mahender Singh
Member

Dr. Indrajeet P.Gautam
Member

ORDER

Perused the complaint.

The complainant is a senior citizen who has made this complaint against five public servants serving in Departments under the Union Ministry of Health and Family Welfare.

Contd.....2/-

It is the allegation of the complainant that the public servants named are indulging in corruption, and gross dereliction of duty and, by colluding with unscrupulous pharmaceutical (pharma) companies, are turning a blind eye to the violation of statutory guidelines to be followed by such companies and are hushing up the results that follow.

In addition to the complaint, the complainant has annexed a spiral bound booklet titled "Facts of the Matter" and a book written by him titled "Cipla Drug Trial". The facts emerging from the material on record as per the complainant are that, the wife of the complainant was admitted to Maruti Nursing Home, Gokhale Road, Hanuman Chowk, Mulund East, Mumbai - 1100081 on 9th June, 2014, for treatment of cervical spondylitis and stiff neck. After being administered a pain killer, she was administered the injection Rokfos (ingredient Zoledronic acid), manufactured by pharma company, Cipla Limited. This injection was administered without taking the consent of relatives, According to the complainant, his wife was not suffering from any of the diseases for which this injection is prescribed and, as a result, she suffered from serious adverse reaction (ADR) of this injection. Within 20 hours, she suffered from severe body pain including joint pain, muscle pain, bone pain and back pain. She also had difficulty in swallowing and developed rashes on her arms and legs. Her WBC and platelets count fell drastically. However, accordingly to the complainant, the ADR was left untreated. The pharmaceutical company concerned, also tried to hush up the drug reaction. It further appears that the wife of the complainant was shifted after six days to Platinum hospital and Jupiter Hospital, where she unfortunately, passed away on 24th June, 2014. According to the complainant over two dozen officials of three hospitals tried to cover up the ADR.

The complainant states that this complaint is not been motivated only by personal considerations but is being made in the interest of all citizens of the country who may be prejudicially affected, as there is a dangerous network between pharma companies, doctors and hospitals, which is supported by the Food and Drug Administration (FDA) of the States and CDSCO, the National Regulatory Body for Drugs.

Contd....3/-

The complainant has already approached the Medical Council of Maharashtra. From the documents submitted by the complainant, it further appears that he has also filed a case before the Additional Metropolitan Magistrate, Mazgaon, Mumbai. His complaint to the Ministry of Health and Family Welfare, Government of India has resulted in an investigation into the matter and a Joint Investigation Report with a covering letter dated 20th March, 2019 is on record.

To investigate the complaint of the complainant dated 20th April, 2015, officials from the FDA, Maharashtra raided the premises of M/s. Maruti Nursing Home on 22.7.2015 along with two witnesses and found that the hospital is involved in sale of drugs without holding a requisite license. Accordingly, a case has been filed against the proprietor of the said nursing home.

Insofar as the death of the complainant's wife is concerned, the report states that there is inadequate information available in relation to the patient's health history, other drugs administered and the sequence of events that occurred after discharge of the patient from M/s Maruti Nursing Home, clinical investigation reports as well as the cause of death. Therefore, it is difficult to comment on whether there was a lapse in the standard of care administered.

It further appears that the complainant has approached a number of authorities as also the Lokayukta of Maharashtra. The complaint has been actively pursued before the said authority. However, no copies of orders passed thereupon have been annexed. The complainant has also stated that the Maharashtra State Commission has passed orders against the concerned hospitals. However, copies of the orders too this effect have not been annexed.

From the last document in the booklet titled "Facts of the Case", it appears that the complainant has also approached the Hon'ble Supreme Court of India, vide diary No. 16068/SCI/PIL.2021, diary No. 17119/SCI/PIL2021 and diary NO. 6819/SCI/PIL(E)2020. However, the status of the matter is not clear as no orders have been annexed.

Contd....4/-

The complainant has already had recourse to the appropriate forums i.e. Lokayukta of Maharashtra, Maharashtra State Commission and the Civil Court, for the redressal of his grievance. Furthermore, he has also approached the Hon'ble Supreme Court of India. In these circumstances, the Full Bench of the Lokpal of India will not be able to take up this matter, since it is barred under Section 15 of the Lokpal and Lokayuktas Act, 2015.

Accordingly, the complaint is disposed of.

(Justice Pinaki Chandra Ghose)
Chairperson

(Justice P.K. Mohanty)
Judicial Member

(Justice Abhilasha Kumari)
Judicial Member

(Dinesh Kumar Jain)
Member

(Archana Ramasundaram)
Member

(Mahender Singh)
Member

(Indrajeet P.Gautam)
Member

**HARPREET
KAUR CHADHA**

Digitally signed by
HARPREET KAUR CHADHA
Date: 2021.08.26 16:27:37
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**COURT MASTER,
LOKPAL OF INDIA**

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