



## **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI**

Administrative Staff College Compound, 9, Hajarimal Somani Marg, Opp. C.S.T. Mumbai - 400001.  
Tel: 22050791, Fax: 22091804/22093678/22078962. Website: <http://mshrc.maharashtra.gov.in>

date - 04/03/09.

**Case No. 6468/2007-08 / 283**

**Name of the complainant :** Mr. A. Azizkhan Pathan  
D-7, Rachana Housing Society  
Near Merchant Bank Colony, Wabale Colony  
Fakirwada, Ahmednagar-414003

**V/s**

1. The Secretary  
Finance Department  
Mantralaya, Mumbai.
2. The Secretary  
Social Welfare Department  
Mantralaya, Mumbai.
3. The Secretary  
Women and Child Development Department,  
Mantralaya, Mumbai.
4. The Director of Health Services, Mumbai.
5. The Collector, Ahmednagar.
6. The Members of Indian Red Cross Society  
T.B. Sanatorium Committee,  
Arangaon, Ahmednagar.
7. The District T.B. Officer  
District T.B. Centre, Ahmednagar.

**Date :** January 29, 2009.

**Coram :** Justice Kshitij R. Vyas (*Former Chief Justice*), Chairperson.

### **PROCEEDINGS**

The complainant is absent at the time of hearing. On behalf of the respondents Joint Secretary Mrs M. V. Kokane, Finance Department, Mantralaya, Mumbai, Mantralaya, Shri Y. r. Gaikwad, Under Secretary, W&C Department, SDM Shri V. M. Pansare, Dr. G. S. Doifode, D. T. O., Ahmednagar, Dr. R. J. Anbhule, Chairman, T.B. Sanatorium with Shri R. S. Bore, C.A., Shri J. A. Tanpure, Sub Com Member, Ad. P. D. Kothari, Director. T. B. Sanatorium.

The complainant Shri A. Azizkhan Pathan a Civil Engineer of Ahmednagar, Special Representative, Crime Free India Bureau, New Delhi (Press) has filed this complaint against Indian Red Cross Society regarding the condition of patients of T. B. Sanatorium, Aarangaon. According to the complainant in absence of any basic facilities in the Sanatorium, the patients are in fact living in a hell waiting for their death. In support of his say, the complainant has produced Newspaper reports of Lokmat wherein all the details are given.

The Commission with a view to find out the truth in the allegations while issuing the notice to the respondents, Investigation Wing of the Commission was directed to submit the status report. The report is filed as per the directions of the Commission.

In compliance with the notices issued by the Commission, the Collector, Ahmednagar, the Commissioner, Women & Child Development, M.S., Pune, the Secretary & others of Indian Red Cross Society, Ahmednagar, District Tuberculosis Officer, District Tuberculosis Center, Ahmednagar have filed their replies.

The matter came up for hearing on many occasions, when it was discussed at length. From the replies filed in the case and after hearing concerned parties, the following facts emerged:

The Tuberculosis Sanatorium is run by the Sub Committee of the Red Cross Society, Arangaon on the land admeasuring about 25 acres, wherein medical services were offered to the committed beggars as per the order of the court, suffered by Tuberculosis on the basis of administrative grants. The Committee is providing service of treatment to the patients of Tuberculosis and rehabilitates them since last 50 years. As the effective medical treatment is provided through the Government Hospital at villages for Tuberculosis, private patients do not come to the Sanatorium. The Sub Committee look after the working of the Sanatorium to be nominated by the Collector, Ahmednagar.

At the time of hearing a grievance was made by the Sub Committee of the Sanatorium that the grants received from the Government is too meager and the same is utilized for nourishment and medical treatment of the admitted patients. It was pointed out that the Sanatorium is receiving Rs. 35/- per day per head by way of grant from the Government since May 1999 and the said Rs. 35/- is utilized for the patients as per the directions on the following items:

1. Morning Tea and toast,
2. Lunch,
3. Afternoon tea,
4. Dinner (non-veg twice in month),
5. Two eggs every week,
6. Coconut oil, toilet soap and washing soap per month,
7. Daily medical treatment,
8. X-Ray and Lab Test,
9. Traveling allowance,
10. Two pairs of wearing cloth and one towel,
11. Funeral expenses

It was submitted in the reply that it is impossible to provide all the facilities mentioned above to the patients on a meagre amount of Rs. 35/-, as the cost to provide the items is much more than Rs. 35/-. The Sanatorium demanded Rs. 100/- per day per patient since 1999 and pursuing the same, but did not get any response from the Government.

The Commission finds some substance in the request of the Committee for the reason that due to rise of inflation since last 5 to 6 years, it is highly impossible for the authorities to provide all the facilities to the patients at the existing rate of Rs. 35/-. There is one more reason to justify the said demand as the Sanatorium is having the deficit of Rs. 40, 49,266.42 as on 30<sup>th</sup> March 2007. Even though the proposal was sent to the Finance Department, Mantralaya, Mumbai by the Women & Child Development to consider the proposal of the Sanatorium, the Finance Department has not taken any decision in the matter.

The Commission, therefore, asked the concerned Officer from the Finance Department, Mantralaya to remain present. In compliance with the said direction, the Joint Secretary, Finance Department Mrs. M. V. Kokane, has remained present today. The matter was discussed at length.

Regarding enhancing the amount of grant from Rs. 35/- per day per patient to Rs. 100/- per day per patient for the nourishment and medical treatment of admitted Tuberculosis patients, it was impressed upon the Officers present before the Commission that T.B. Sanatorium is providing social services to the Tuberculosis patients who are mainly beggars being sent by the court. It is obligatory on the part of the State to provide proper nourishment and medical treatment to them. This is necessary in view of the fact that due to rise of inflation since last 5 to 6 years it is highly improper and impossible at any rate to accept to provide facilities stated above to the patients at such a meager rate.

The Joint Secretary Mrs. Kokane has assured that the State Government shall consider the issue positively and with open mind.

In view of above, it is recommended that the concerned Department of State Government shall increase the grant from Rs. 35/- per day per head to Rs. 100/- per day per head for nourishment and medical treatment of the Tuberculosis patients of the T. B. Sanatorium, getting grants from the State Government. While increasing the grant it will be open for the State Government to provide increased amount of the grant for the use of admitted Tuberculosis patients for their nourishment and medical treatment at the Sanatorium, in other words the State Government merely increasing amount from Rs. 35/- to Rs. 100/- per day per head and therefore instead of giving the amount of grant by lump sum, it is recommended that the State government shall pay increased amount on the basis of the strength of the Tuberculosis patients at the Sanatorium.

It will also be open for the State Government to insist that the persons admitted as Tuberculosis patient may be duly certified by any doctors of Government hospital as a Tuberculosis patient. In other words any patient who claims to be a Tuberculosis patient without being certified by the doctor of any Government Hospital of the State shall not be provided the enhanced amount of Rs. 100/- by the State Government.

The above recommendations shall be considered by the State Government sympathetically and the compliance report shall be filed on or before 15<sup>th</sup> May 2009.

With the above recommendations, the complaint is disposed off.



  
(Justice Kshitij R. Vyas)  
Chairperson.

Mumbai; January 29, 2009.