

Karnataka Lokayukta
(Under Section 7 of the Karnataka Lokayukta Act, 1984)

CASE
NUMBER COMPT/UPLOK/MYS/3073/2022
:
District : Mandya

BY :

1. Suo Moto

As per the Order of Honble Upalokayukta, Date:
19/08/2022.

COMPLAINANT/S

AGAINST :

1. Medical Superintendent

Mandya Institute of Medical Sciences, Mandya.

2. Chief Medical Officer

Mandya Institute of Medical Sciences, Mandya.

3. Resident Medical Officer

Mandya Institute of Medical Sciences, Mandya.

RESPONDENT/S

Allegation/Grievance Dereliction of duty.

Brief :

Received From : Suo Moto

Received On : 19-08-2022

Complaint stands ARE-20
allotted to :

[Handwritten Signature]
Seal and Signature

ಮಾನ್ಯ ಉಪಲೋಕಯುಕ್ತರು

ಕರ್ನಾಟಕ ಲೋಕಯುಕ್ತರು

ಮಂಡ್ಯ ಜಿಲ್ಲಾ

SCRUTINY AND OPINION

ಮಂಡ್ಯ ಜಿಲ್ಲಾ ಲೋಕಯುಕ್ತರು

ಮಂಡ್ಯ ಜಿಲ್ಲಾ

KARNATAKA LOKAYUKTA, BENGALURU

No:

Date: 18-08-2022

O R D E R (SUO-MOTU)

On 17.08.2022, in TV-5 Kannada, Electronic Media, a news item that due to heavy rainfall, there was disruption in electricity supply, due to which the C.T. Scan machine in MIMS Hospital, Mandya has not been functioning since 15 days and the patients are made to visit the private diagnostic centres for the purpose of C.T. Scan who normally charges more than Rs.5,000/- per C.T. Scan and there has been deliberate delay on the part of the concerned authority in getting the same rectified immediately, has been telecasted.

3. It is needless to point out that the Government Hospitals in the State are established with a view to provide effective and purposeful



health care to poorer section of the society who cannot afford to approach private hospitals/private health care practitioners/private diagnostic centres. Any dereliction of duty on the part of the concerned in providing effective and quality health care would not only result in denial of right to life and liberty guaranteed under Article 21 of the Constitution of India, but also amounts to mal-administration within the meaning of Section 2(10) of the Karnataka Lokayukta Act, 1984. Therefore, the authorities/officers who are entrusted with the responsibility of maintaining the administration of the hospital are required to take immediate steps for restoring the electricity facility to the C.T. Scan machine and provide effective health care to the poorer sections of the society. In this connection, it is useful to refer to the observations made by the Hon'ble Supreme Court in the Case of **Paschim Banga Khet Mazdoor Samity & Others V/s State**



of West Bengal and Another reported in (1996) 4
SCC 37 which reads as hereunder;

9. *The Constitution envisages the establishment of a welfare State at the federal level as well as the State level. In a welfare State the primary duty of the Government is to secure the welfare of the people. **Providing adequate medical facilities for the people is an essential part of the obligations undertaken by the Government in a welfare State. The Government discharges this obligation by running hospitals and health centers which provide medical care to the person seeking to avail of those facilities. Article 21 imposes an obligation on the state to safeguard the right to life of every person. Preservation of human life is thus of paramount importance. The government hospitals run by***



the State and the medical officers employed therein are duty-bound to extend medical assistance for preserving human life. Failure on the part of a government hospital to provide timely medical treatment to a person in need of such treatment results in violation of his right to life guaranteed under Article 21.....

4. In the light of the discussion made above, I am of the view that it is desirable to consider the news item telecasted in TV-5 Kannada as source material to exercise the power conferred on me under Sec. 7(2) and 9(3)(a) of the K.L. Act. Accordingly, I exercise my suo-motu power and the office is directed to register this proceedings as suo-motu proceeding.

5. With a view to examine the issues raised in the news item referred to above, I am of the view,



that it is necessary to implead the officers mentioned herein below as parties/respondents of this proceeding and issue notice calling for comments from them.

1.	The Medical Superintendent, Mandya Institute of Medical Sciences, Mandya.
2.	The Chief Medical Officer, Mandya Institute of Medical Sciences, Mandya.
3.	The Resident Medical Officer, Mandya Institute of Medical Sciences, Mandya.

6. The Officers/Officials referred to above are directed to examine the issues raised in the news telecasted and take immediate steps for restoring the power supply to the C.T. Scan machines for the benefit of patients forthwith. They are given two weeks time to submit their report/comments i.e., on or before 08.09.2022.



7. The Director, Mandya Institute of Medical Sciences, Mandya is directed to examine the issues telecasted in the electronic media referred to above and he shall submit a report on the following;

(a) Steps taken for redressing the grievance referred to above;

(b) The Name and Designation of the officers/officials who are responsible for the delay in restoring the power supply to the C.T. Scan machine;


(c) Action if any taken against the officers/officials who are responsible for the delay in restoration of power supply to the C.T. Scan machine.

(d) Details regarding the number of patients who have got the C.T. Scan done from outside and the amount if any refunded to them on account of non availability of C.T. Scan facility at Mandya Institute of Medical Sciences, Mandya.



7. Communicate the copy of this order to the respondents referred to above and also to the Dy.S.P., Karnataka Lokayukta, Mandya and Ramanagar who shall jointly inspect the hospital and submit an interim report **before 22.08.2022** and shall submit their final report by the **next date of hearing.**

List this matter on 08.09.2022.


~~(Justice K.N. Phaneendra),~~
Upalokayukta-2,
Karnataka State.

8. ARLO-4 (Complaints Section)}