



भारत सरकार

राष्ट्रीय अनुसूचित जन जाति आयोग

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. LT/1/2019/STGMH/ATMURD/RU-IV

Dated: 27.11.2019

To,

1. **The Chief Secretary**
Government of Maharashtra,
Mantralaya,
Mumbai.
2. **The Secretary,**
Ministry of Health & Family Welfare,
Govt. of India,
Nirman Bhawan,
New Delhi
3. **The Secretary General,**
Medical Council of India,
Pocket-14, Sector-8,
Dwarka Phase-I,
New Delhi- 110077
4. **The Secretary,**
Department of Health and Family Welfare
Government of Maharashtra,
Mantralaya, Mumbai.
5. **The Police Commissioner,**
Mumbai City,
Mumbai.
6. **The Director of Health Services,**
Government of Maharashtra,
564, Raja Bahadur Mill Rd, Sangamvadi,
Pune,
(Maharashtra)-411001
7. **The Director,**
Nair Medical College and Hospital
A L Nair Road,
Opp Maratha Mandir Theatre,
Mumbai Central,
Mumbai, (Maharashtra)-400008

Sub: Report on the visit of National Commission for Scheduled Tribes in connection with the death of Dr. Payal Tadvi, ST Post Graduate Student in B.Y.L. Nair Charitable Hospital, Topiwala National Medical College, Mumbai.

Sir,

I am directed to refer to the subject mentioned above and to forward herewith a copy of the report and recommendations on the visit of NCST on 08.06.2019 before the Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the aforesaid matter for necessary action.

It is requested that an action taken/ compliance report on the Commission's recommendations in the matter may be furnished to the Commission within 30 days for placing the same before the Hon'ble Chairperson, NCST.

Encl: as above

Yours faithfully,

(Y.K. Bansal)

Research Officer

Ph: 011- 24645826

Copy to:

Shri Lukman Tadavi,
Working President,
Organization for Rights of Tribals,
O-6, Lakshiprasad Apartment,
Joshi Paland, Subhash Road,
Rathnagiri - 415612
(Maharashtra).

Copy to: - SAS, NIC, NCST.

National Commission for Scheduled Tribes

File No. LT/1/2019/STGMH/ATMURD/RU-IV

Report on the visit of National Commission for Scheduled Tribes in connection with the death of Dr. Payal Tadavi, ST Post Graduate Student in B.Y.L.Nair Charitable Hospital, Topiwala National Medical College, Mumbai.

A team of National Commission for Scheduled Tribes led by Dr. Nand Kumar Sai, Hon'ble Chairperson and accompanied by Miss Anusuiya Uikey, Vice Chairperson, Shri H.K. Damor and Smt. Maya Chintamn Ivnate, Members, Shri R. K. Dubey, Assistant Director, Miss Deepika Khanna, Research Officer and Shri Sudhir Kumar Atram, PS to Member (MCI) visited Mumbai on. 08.06.2019 to review the action taken by the concerned authorities in the matter of death of Dr. Payal Tadavi, ST Post Graduate Student in B.Y.L.Nair Charitable Hospital, Topiwala National Medical College, Mumbai. The Commission held meetings with the family members of the deceased, her room mates, fellow doctors, paramedical staff of Obst. &Gynaecology Department of the Hospital. A separate meeting was also held with hospital management, police, BMCand senior officers of state health and Tribal Development Department in B.Y.L.Nair Charitable Hospital. List of participants of this meeting is placed as annexure.

Following information was given to the Commission by the above persons/officials:

A. Family members of Dr. Payal Tadvi.

1. Mrs. Abeda Salim Tadavi, mother of Late Dr. Payal Tadavi informed the Commission that her daughter was being tortured by three senior doctors namely Dr. Ankita Khandelwal, Dr. Bhakti Mehere and Dr. Hema Ahuja for quite some time. She initially did not get a room in the hospital and had to stay in the room on sharing basis with her senior Dr. Bhakti Mehere which was there in the hospital for resident doctors. She slept on the floor as no bed was available. Dr. Bhakti Mehere used to clean her feet on her bedroll after coming from washroom. As she was supposed to get a room in two months, she tolerated it. These three seniors also harassed her at the work place. They did not allow her to operate the patients or to stitch the body parts after surgery. They always threatened her that she will not be allowed to

progress in the field. They used to shout at her in the ward in front of staff, patients and visitors. As the harassment continued, she started staying in the ward and took rest in the side room of the ward. She used to go to her room only for taking bath.

Mrs. Abeda Salim Tadavi further informed the Commission that she is a cancer patient and was operated just 08 days before her daughter was admitted in the PG Course in the hospital. She informed that for chemotherapy and to stay near her daughter in Mumbai, she came from Jalgaon for giving moral support to her daughter suffering from caste based harassment by seniors. She said that as a mother, she was ready to even hold the feet of senior doctors to change their attitude towards her daughter. However, her daughter did not come to meet her as she was under tremendous pressure due to humiliation and derogatory remarks passed by her seniors. She also informed that she went to meet Dr. Surbhi and Dr. Devinain the end of November, 2018 who were third year students and senior to her daughter to request them to talk to the three seniors who were harassing her and request them to allow her to work in the Hospital and learn her profession properly. After coming to know about this, the three accused became angry and the level of harassment also increased. They even did not allow her to take breakfast and meals and pressurized her for work. They made comment that they will make her "Doctor of donkey's". They used to make caste based remarks related to her rank in the Medical Entrance Examination and her social status.

After that she along with her son-in-law, Dr. Salman went to meet Dr. Sneha Shirodkar, Head of Obst. and Gynaecology Department in the Hospital in the month of December, 2018 and informed her about the discrimination and harassment. She was also informed that these seniors are not allowing her to learn anything in operation theatre about various procedures and surgeries. Other resident doctors have learnt these procedures but her daughter Dr. Payal Tadavi was compelled to do only paper work in the ward. It was also informed that these seniors used to throw files and tear the papers in front of patients and paramedical

staff to humiliate her. They requested the Head of Department to change her unit so that Dr. Payal Tadavi doesn't have to work with the accused Doctors. Head of the Department didn't change her unit but gave her alive posting for two months from 15/12/2018 to 15/02/2019 in the children ward. Thus, she was away from the accused but when they came to know about the complaint made to Head of the Department, they were irritated and said that after two months when Dr. Payal Tadavi will return back in the unit, they will take revenge. As a result, her weight reduced by 10-15 kg in two months. The cloths purchased by her online also could not fit her. They even didn't allow her daughter to sleep or take bath. Her daughter called her mother in the night of 10/05/2019 and she was crying due to the mental agony caused due to comments of the accused Doctors. She informed the Commission that she consoled her and said that she will come to Mumbai from Jalgaon on 12/05/2019. She reached there in the resident doctor's room at 5:00 P.M. and served her food.

Mrs. Abeda informed the Commission that she had come to the Hospital with written complaints to the Dean, Police Station and Minister of State for Health in which all these incidents of tortures and acts of atrocity were narrated and it was stated that these were being done as she belonged to Scheduled Tribe category. Mrs. Abeda informed that she stayed in Mumbai upto 13/05/2019 and her son-in-law Salman went to meet Head of the Unit Dr. Ching Ling Yi who was acting Head of department during the leave period of Dr. Sneha Shirodkar. They requested her to help her in the matter but she became angry and started shouting. As on earlier occasion, they had met Dr. Sneha Shirodkar, Head of Department directly, Head of Unit Dr. Ching Ling Yi probably felt annoyed and also angry because she felt that she was by passed in the matter. She said that she will have to listen such words from the three accused. In her statement also, Dr. Ching Ling Yi has admitted saying such thing. She was speaking loudly in English. Dr. Salman informed her that his wife Dr. Payal Tadavi was not being allowed by the accused Doctors to conduct deliveries and stitch the patient. New batch of Post graduate students have started coming and his wife is now second year student who must learn her

profession. In the meantime, a new girl (Doctor) joined the Unit but the accused did not allow her to work and help his wife and always used to ask her to sleep and directed Dr. Payal Tadavi to compete the work. Without properly listening to them, Dr. Ching Ling Yi responded that this is not her responsibility.

Mrs. Abeda further informed the Commission that on 13/05/2019, she went to meet the Dean of the Hospital but his peon did not allow him to meet. Instead he asked them to give the complaint in dispatch section which will come to the Dean in 3-4 days. Then, the Dean will mark to Head of Department for inquiry. Unable to meet the Dean, they went to Head of Unit who said that if they will give this complaint, the accused girls will torture her more.

On the day of incident, her daughter called her on mobile and talked for about half an hour. She had informed her mother that she had gone to take meals with her junior who also hailed from Jalgaon. She had taken selfie and posted in her social media group. Her daughter informed that the accused girls made comment that she was showing on her all 32 teeth in the photograph, they will not allow her to learn anything and they will drive her away. They also said that they are for one more year in the Hospital, they have thrown file on her face and will make her veterinary doctor. She was crying hard. Her mother, Mrs. Abeda asked her to go to the room of Doctor Salman. The three accused had heard this conversation and they threatened her of dire consequences.

She further informed the Commission that her daughter Dr. Payal Tadavi stayed in Resident doctor's room on the 8th floor whereas the accused doctors stayed on 9th floor of the building. Usually they didn't visited room of her daughter but on the day of incident around 6:00 P.M. to 6:15 P.M. they were just outside the room of her daughter. These accused doctors might have provoked her for committing suicide. It has been reported that they were among those who brought down her hanging body and took her to the casualty ward. The lock of the door of the room is also not broken which is suspicious thing.



2. Shri Dr. Salman, husband of Late Dr. Payal Tadavi also confirmed the above events related the incident and said that he was informed over mobile at about 7:30 P.M. that his wife has fainted and he immediately rushed to the Hospital. He was not informed about the fact that she was found hanging. He reached the casualty ward where the Doctors were giving CPR to his wife Dr. Payal Tadavi and he joined them. He informed Commission that the accused Doctors had been continuously harassing her for the last few months and he himself had accompanied her mother-in-law and wife on several occasions for amicable solution of the problems caused by her seniors. He fully supported and confirmed the events narrated by his mother-in-law Mrs. Abeda.
3. Shri Salim Tadavi, Father of Late Dr. Payal Tadavi also informed the Commission on the same lines, as that of his wife and son-in-law. He demanded for stringent action against the accused Doctors for harassing his daughter on caste grounds and sought justice in this regard.

B. Meeting with ward and Operation Theatre Employees.

The Commission met some of the officials and staff working with Dr. Payal Tadavi which included Ms. Arundhati Tilwe, Assistant Professor and Ward / OT staff members like Clara, Ruby James C. and Jyotika Vasave who informed that Dr. Payal Tadavi was a soft spoken and hardworking Doctor. Her behaviour with patients was very sympathetic and helpful. There was much work load in the Department and she was often rebuked by her senior Doctors for completing the work. There is work pressure on juniors and she didn't get time to eat. At many times she was seen crying. The behaviour of accused Doctors was hurting and they used to misbehave in presence of patients and their caretakers.

C. Meeting with roommates of deceased

The Commission discussed about the incident with roommates of the deceased Dr. Payal Tadavi which included Snehal Shinde, Bhagyashree Chevde, Geeta Kulkarni and Bhargavi. Ms. Snehal informed that one of the accused Dr. Hema Ahuja informed her that she and another accused Dr. Bhakti Mehre were standing out of the room of Dr. Payal Tadavi. They were

calling her for duty at around 6:45 P.M. and they knocked the door but there was no response when they peeped in the room. Dr. Bhakti Mehere saw her legs hanging. She shouted loudly. Dr. Hema Ahuja also saw it and screamed. They immediately called the security guard and opened the door with his help. They saw Dr. Payal Tadavi hanging and expecting her alive, immediately brought her body down. Dr. Ankita Khandelwal and employees of anaesthesia ward also assisted them in bringing the body down from gallows. Many people assembled there to see what has happened. They immediately rushed to trauma Unit. She said that Dr. Bhakti Mehere and Dr. Hema Ahuja were standing out of her room from the beginning of this fatal incident. On being asked, they informed that accused senior Doctors usually rebuked all of them including Dr. Payal Tadavi and all of them suffered from weight loss due to work pressure in the Hospital. In emergency duty, they have to work continuously for 24 hours.

D. Meeting with parents of accused

The Commission also met the parents of the accused Doctors which included Shri Suresh Ahuja and Mrs. Kavita Ahuja (father and mother of Dr. Hema Ahuja), Shri Arvind Mehere and Mrs. Anupama Mehere (father and mother of Ms. Dr. Bhakti Mehere) and Shri Kailash Khandelwal (father of Dr. Ankita Khandelwal) who informed that their daughters were friends of the deceased Dr. Payal Tadavi and they had never discriminated or misbehaved with her. They ruled out any discrimination on caste ground. They said that there was heavy workload in the Hospital and their daughters also were in similar work pressure. However, Dr. Payal Tadavi used to take mental pressure. In support of good relations of accused with the deceased, they submitted some photographs and WhatsApp chats amongst them.

E. Meeting with representatives of SC/ST associations/organizations

Representatives of Vanvasi Kalyan Ashram met the Commission and expressed their wrath over the death of Dr. Payal Tadavi due to caste based discrimination and harassment. They demanded justice for the family of the deceased and stressed the need to make aware the students

about the provisions against ragging. They also said that the Women Development Cell is not active in the Hospital and this the reason, this incident could not be prevented.

Akhil Bhartiya Aadiwasi Vikas Parishad, Maharashtra demanded for impartial inquiry into the painful incident. They demanded for arrest of all the accused, narco and DNA tests of accused, dismissal of officials of Hospital responsible for the incident protection of family members of the deceased, nomination of at least one member of SC/ST community in the Committees formed inquiry of the incident and inquiry into the incident of attack on Shri Dilrubab Iqbal Khan Tadavi in Jalgaon District who raised voice in the matter.

Shri Majid Tadavi, representative of Tadavi Bheel Yuva Samiti said that this incident is similar to that of Rohit Vemula case and Scheduled Tribes are being discriminated everywhere in the society. ST students are being discriminated on caste ground and suppressed everywhere. The dead body of Dr. Payal Tadavi was being taken to her native place, Jalgaon for cremation where her relatives stay but the Police officials have booked case against them.

F. Meeting with State Health Department, police, BMC and hospital authorities

The Commission held a meeting with the concerned Officers of State Govt. Health Department, Bombay Municipal Corporation, B.Y.L. Nair Hospital and Police authorities on the action taken by them in the incident. The Commission was informed as under:

- (i) Dean, B.Y.L. Nair Hospital informed the Commission that Dr. Payal Tadavi was appointed as Junior Resident (Jr.-1) in the Department of Obst. and Gynaecology from 09/05/2018. She was working in the Unit of Dr. Ching Ling Yi and Dr. Sneha Shirodkar was Head of the Department. Dr. Payal Tadavi who was pursuing Post-Graduation in the Hospital was found hanging in her Room No. 806. It has been stated that she had committed suicide due to harassment by her seniors namely Dr. Bhakti Mehre, Dr. Hema Ahuja and Dr. Ankita Khandelwal. All these three accused Doctors have been suspended due to continuous absence from the Department vide order dated

27/05/2019. Dr.Ching Ling Yi, Head of Unit and Dr. Sneha Shirodkar, Head of the Department have been issued show cause notices on 24/05/2019. A committee formed by Dean under the chairmanship of Dr. Aseem Parekh has come to conclusion that both the Unit Head and Head of Department have not informed their superiors about the complaints made by Dr. Payal Tadavi and her family members on various occasions and has recommended for a full-fledged Departmental inquiry against them. Dr. Ching Ling Yi has been suspended vide order dated 27/05/2019 by BMC. Dean, B.Y.LNair Hospital informed the Commission that this matter was never brought to his notice. Had he been informed, such unfortunate incident would not have taken place.

- (ii) Inspector General of Police (PCR), MS, Mumbai informed the Commission that on the basis of complaint made by Mrs. Abeda Salim Tadavi, mother of deceased Dr. Payal Tadavi, an FIR No. 157/19 under section 306, 34(IPC) read with section 4 of Maharashtra Prohibition of Ragging Act, 1999, section 3 (10) of SC&ST (PoA) Act, 1989 and section 67 of IT Act 2000 has been registered in Agripada Police Station against three accused Doctors namely Dr. Bhakti Mehere, Dr. Hema Ahuja and Dr. Ankita Khandelwal who have been arrested. Post-mortem of the deceased was carried out and viscera has been sent for further examination. In the meantime, Govt. of Maharashtra has handed over the case to CID for investigation.
- (iii) Shri Sunil Patil, Joint Secretary, Tribal Development Department, Govt. of Maharashtra informed that his Department has been in touch with the concerned authorities for proper investigation of the incident and also with family members of the deceased.

G. Observations of the Commission.

The Commission noted with concern that as per the information given by family members of deceased Dr. Payal Tadavi, she was being harassed by her senior Doctors in various ways and comments on her social background were

made. She and her family members brought this information to the notice of Head of Unit and Head of Department but no restraining action was taken by them. Even they tried to approach the Dean of the Hospital but could not succeed. The action was taken only after her death. The accused Doctors were the first who came to know about the death of Dr. Payal Tadavi and their movement was reportedly recorded in the camera of the Hospital. They also reportedly went in the room immediately after body of Dr. Payal Tadavi was taken to trauma Unit. These issues need detailed inquiry. The family members of the deceased Doctors have blamed caste based discrimination and harassment which needs to be inquired into thoroughly. Other Doctors and staff members have also made adverse comments about the behaviour of accused Doctors.

H. Recommendations of the Commission.

Keeping in view the seriousness of the incident, the Commission recommends that:

- (i) Ministry of Health and Family Welfare, Medical Council of India, Medical Education Departments of all the State Governments and Union Territories should issue strict instructions to all the Medical Institutions in the country to take effective measures to stop the incidence of caste based harassment and discrimination with the students and employees of weaker sections of the society, particularly, the Scheduled Tribes. It may be notified that such incidents will be taken very seriously and stringent action shall be taken in the event of such complaints including termination from the institution and initiation of action by police.
- (ii) Students pursuing various courses in the Medical Institutions of India should be made aware about the problems being faced by the Scheduled Tribes and Scheduled Castes in the society and various measures taken by the Central and State Governments for protection, welfare and safeguarding these communities from any kind of discrimination and harassment. It should be made a part of the curriculum in the first semester of the course.

- (iii) Detailed and impartial inquiry into the case be held by the CID within the time prescribed under the SC&ST (PoA) Act, 1989.
- (iv) Role of the accused Doctors in the incident particularly before and after recovery of her body may be thoroughly investigated in light of recordings in the camera and statement made by the witnesses. If required, Narco and DNA tests be undertaken for the purpose after following the prescribed procedure. Call details of the mobile phones and social media accounts of accused Doctors as well as deceased Doctor be obtained and used for investigation.
- (v) Viscera examination report of the deceased Doctor be obtained by CID from the Forensic Science Laboratory at the earliest.
- (vi) A copy of post-mortem report of Dr. Payal Tadavi be provided to the Commission and her family by the CID which has not been given so far.
- (vii) No monitory compensation was paid to the family members of the deceased Dr. Payal Tadavi. It was informed that the same is in process. Monitory compensation, as admissible under the SC & ST (PoA) Rules (Revised) may be sanctioned and paid to her family urgently.
- (viii) Adequate security to the family members (father, mother and husband) of deceased Dr. Payal Tadavi be provided by the State Govt.
- (ix) On the basis of evidence, Dr. Ching Ling Yi, Head of Unit and Dr. Sneha Shirodkar, Head of Department be made co-accused in the case.
- (x) The role of Peon attached with the Office of Dean of B. Y. L. Nair Hospital be thoroughly inquired and action taken against him for negligence of duty.
- (xi) A detailed report on alleged incident of attack on the Scheduled Tribe social leaders in Jalgaon district while carrying the dead body of Dr. Payal Tadavi including details of cases registered against them be sent to the Commission within a period of one month from the date of receipt of this report.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. LT/1/2019/STGMH/ATMURD/RU-IV

Report on the visit of National Commission for Scheduled Tribes in connection with the death of Dr. Payal Tadavi, ST Post Graduate Student in B.Y.L. Nair Charitable Hospital, Topiwala National Medical College, Mumbai.

List of Participants

National Commission for Scheduled Tribes

1. Dr. Nand Kumar Sai, Hon'ble Chairperson ---In Chair
2. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri Hari Krishan Damor, Member
4. Smt. Maya Chintamn Ivnate, Member
5. Shri R.K. Dubey, Assistant Director
6. Miss Deepika Khanna, Research Officer, Regional Office, Bhopal
7. Shri Sudhir Atram, PS to Hon'ble Member (MCI)

Govt. of Maharashtra

1. Shri Sanjay Mukherjee, Secretary, Medical Education
2. Dr. Prakash Wakode, Joint Director, Medical Education
3. Dr. Kalidas D. Chavan, MUSH, Nashik
4. Shri Venkatesh Bhatt, Deputy Secretary (Home)
5. Shri Sunil Patil, Joint Secretary, Tribal Development Department
6. Shri Sanjay Meena, ATC, Thane, Tribal Development Department
7. Shri Lomesh Salame, Dy. Commissioner, CTD, Nashik
8. Shri Gajanan R. Deshmukh, Section Officer, TDD

Maharashtra Police

1. Shri Quaiser Khalid, IG (PCR), M.S. Mumbai
2. Shri Deepak Kundal, ACP, Agripada Division
3. Shri Netaji Bhopalo, ACPL Crime Branch
4. Shri P. D. Sail, Deputy Superintendent of Police (PCR), MS, Mumbai

BMC / Nair Hospital

1. Shri A. L. Jarhad, Additional Commissioner
2. Dr. R. N. Bharmal, Dean (N&T), B. Y. L Nair Hospital
3. Dr. Ajay S. Chandmale, Dean, GGMC