

WEST BENGAL HUMAN RIGHTS COMMISSION

File No.04/25/26/2022

Present

1. Mr. Justice Jyotirmay Bhattacharya - Chairperson
2. Mrs. Justice Madhumati Mitra - Member
3. Mr. Naparajit Mukherjee - Member

The West Bengal Human Rights Commission received a petition from one Amina Sekh, wife of Safijul Sekh, resident of Arjun Pukur, P.S.Nadanghat, Dist-Purba Bardhaman on 22/12/2021. She alleged that she was admitted to Bardhaman Medical College and Hospital on 06/11/2021 around 6.25 a.m. at delivery ward with labour pain. She alleged that on duty doctors and nurses were gossiping and busy with their mobile phones. In spite of several requests regarding urgency of treatment there was considerable delay. She alleged that she gave birth to a baby girl on the bed itself and baby fell from the bed to the floor. Thereafter, the doctors and nurses rushed, picked up the baby from the floor and was admitted to I.C.U. of the hospital. She alleged that the new born baby suffered serious head injury and had to be taken to S.S.K.M. Hospital, Kolkata for further treatment. She further alleged that the SSKM Hospital authorities did not provide any

treatment for which she returned home. She annexed certain medical papers including discharge paper of Bardhaman Medical College and Hospital indicating that she was 4th gravida pregnant and the baby girl was born on 06/11/2021 at 6.30 a.m. weighing 2.7 kgs. Her blood group was O positive. Certain medicines were advised for administration. A C.T. Scan report of the brain of the new born baby was enclosed which indicated *linear undisplaced fracture noted of L occipital bone, blood density noted in L extra axial space of occipital region. It was suggested follow up scan.* The petitioner also enclosed two treatment records of Neurosurgery Department of IPGMER and SSKM Hospital – Center of Excellence, Bangur Institute of Neurology dt.16/12/2021. It appears from the medical reports that the baby was checked up with advice for *urgent NCCT brain with advice for administration of certain medicines.* It noted that the baby suffered from *fall from height followed by persistent vomiting and undisplaced occipital fracture.* They advised admission for observation if bed available. She also enclosed a petition addressed to I.C., Bardhaman P.S. with the same details.

2. On receipt of this petition, the West Bengal Human Rights Commission took cognizance and called for a report from Principal Secretary, Health and Family Welfare Department, Govt. of West Bengal. The Deputy Secretary, Health and Family Welfare Department vide his Memo No.HF/O/GA/663/2R-01/20-22 dt.09/3/2022

forwarded the enquiry committee report in this regard which was conducted by Prof.(Dr.) Kaustav Nayek, HOD, Pediatrics, BMCH as Chairman of the committee, Dr. Atin Halder, HOD, Deptt. of Gynae. & Obst., BMCH, Dr. Bikash Swaika, HOD, Deptt. of General Medicine, BMCH, Dr. Kunal Kanti Dey, Dy. Supdt., BMCH, Chaitali Jash, Nursing Superintendent, BMCH. According to this enquiry report, Amina Sekh aged about 29 years, G4 (P2+2) was admitted in emergency ward of Gynae. & Obst. Deptt. on 06/11/2021 around 6.25 a.m. and delivered a child on 6.30 a.m. on the same date. The committee ruled out possibility of fall of the baby, on delivery from table to the floor which has distance of about 80 cms. from the floor while the umbilical cord is only 50 cms. long and was found intact. The baby was examined by on duty doctors and sent to S.N.C.U for observation and further management.

3. The W.B.H.R.C. examined the enquiry report of Health and Family Welfare Department and called for further report on certain points within April 5, 2023, which were as follows :-

(a) Whether child of petitioner, Amina Sekh went to S.S.K.M. Hospital for treatment and was not admitted.

(b) Comments of Neurologist on the C.T. Scan report No.20-21/109-43 dt.09/11/2021 done at B.M.C.H. Also injury sustained, treatment provided and prognosis thereof. It is quite unfortunate that with reference to WBHRC's query, a report was received from Health

and Family Welfare Department which sent the photo copy of the previous report sent to the West Bengal Human Rights Commission with no value addition or answering to above mentioned queries.

4. In view of the report, the West Bengal Human Rights Commission decided to conduct further enquiry by its Investigating Wing of the West Bengal Human Rights Commission.

5. The Investigating Wing of the WBHRC conducted its detailed enquiry by examining on duty doctors and nursing officers. The Investigating Wing examined aspect of negligence. The Investigating Wing in its report suggest that there was pandemonium in the labour room as there were several patients undergoing delivery and no dedicated doctors and nurses were attending to individual patients. Though, it was known from the medical history of Amina Sekh that she was a 4th gravida patient with precipitate labour no exclusive care or attention was taken to meet such medical emergency. It further concluded that the child slipped off from the table but may not have fallen to the floor, which was at height of 80 cmts. while the intact umbilical cord was of a length of 50/60 cmts. It concluded that first year PGT and interns without assistance of nurses performed such deliveries which are indicative of negligence on the part of administration. No pediatrician or supervising R.M.O. were present during child birth of the patient (Mst. Amina Sekh) and other co-patients. Regarding the query of the WBHRC about non-admission of

the patient at SSKM Hospital the enquiry report concluded that the child was attended at Bangur Institute of Neurology and provided follow up treatment with entire NCCT brain scan. The complainant failed to produce copy of this brain scan of the child. Amina Sekh, the petitioner, stated that as there was possibility of exposure of COVID she did not admit her child to Bangur Institute of Neurology, instead took her back home. Therefore, there was no negligence on the part of Bangur Institute of Neurology or SSKM Hospital authorities.

Dr. Nagendra Nath Mukherjee (presently retired but previously attached to Bardhaman Medical College & Hospital as senior pediatrician) opined that he did not find any neurological deficit for which he agreed to discharge the child from SNCU with follow up treatment. Though, the nature of injury was serious due to fracture of occipital bone but no neurological deficit was present as the fracture was undisplaced. Therefore, he suggested follow up with Bangur Institute of Neurology as no neurology department was available at Bardhaman Medical College & Hospital. The report further stated that Dr. Piyal Singha, Dr. Roshni Mitra were on duty doctors in the labour room on 06/11/2021 and nursing officers Ronita Roy and Sunita Kisku were on duty on the same date.

6. The West Bengal Human Rights Commission examined the above mentioned doctors and nursing officers and recorded their statements on 13/7/2023 under Section 16 of the PHR Act, 1993. Dr.

Piyal Singha stated that he was an MBBS and was undergoing trainee as house staff at Bardhaman Medical College & Hospital. He stated that on the date of incident he had three days experience in handling labour and delivery. He further stated that on 6th November, 2021 there were 13/14 labour tables but also stated that he had no idea of how many patients were admitted on that day. He further stated that 4/5 active labour patients were in the room on that day. He also stated that no nursing officer was assisting him. He could not answer the question whether any doctor or nurse attended Amina Sekh at the time of her actual delivery and that no child specialist was available during delivery. He added that post-delivery, the child did not have any external injuries or asphyxia and the baby cried after birth. He could not answer the question who shifted the child to SNCU. The witness was also shown C.T. Scan report indicating "linear undisplaced fracture noted on left occipital bone..... of occipital region". To the question that the patient, Amina Sekh was admitted with 4th gravida pregnancy with precipitate labour for which extra pre-caution should have been taken the witness answered that he did not had sufficient experience in this regard. Statement of Roshni Mitra, who was on duty in the labour room on 06/11/2022, was recorded when she stated that she had passed MS in Obstetrics and Gynaecology and was a third year resident in Bardhaman Medical College and Hospital. On 6th November, 2021 she was working in the labour room of Bardhaman Medical College and Hospital as a first

year resident. When asked question that the patient, Amina Sekh alleged that none attended her during her pregnancy in Bardhaman Medical College and Hospital she denied the same and informed that doctors and nurses attended her. She also informed Commission that 4/5 expecting mothers were in the labour room at the same time. She was shown the C.T. Scan report of the new born child of Amina Sekh. She stated that she had no occasion to examine the patient and was not present by the side of Amina Sekh during the child birth. She further claimed that she was not a witness to the allegations raised by the petitioner. Statement of the then nursing officer, Ronita Roy was recorded. She stated that currently she was working as Nursing Officer, A.I.I.M.S., Deogarh but was attached to Bardhaman Medical College and Hospital on 06th November, 2021. She stated that she could not recollect how many expected mothers were brought to labour room on that date. She further stated that the doctors of Bardhaman Medical College and Hospital were responsible for conducting delivery and not the nursing officers as a practice of Bardhaman Medical College and Hospital.

Nursing Officer, Sunita Kisku's statement was recorded, who stated that she is a GNM in nursing and posted at Bardhaman Medical College and Hospital. She denied to be present in the labour room when the petitioner/patient Amina Sekh was giving birth on 06/11/2021.

Findings :

7. The West Bengal Human Rights Commission examined report submitted by the enquiry committee of Bardhaman Medical College and Hospital on the incident (as forwarded to WBHRC by Health and Family Welfare Deptt., Govt. of West Bengal), enquiry report of Investigating Wing of West Bengal Human Rights Commission and the statements of two attending doctors Dr. Piyal Singha, and Dr. Roshni Mitra and two nursing officers, namely, Ronita Roy and Sunita Kisku. It came to the conclusion that Mst. Amina Sekh was admitted to Bardhaman Medical College and Hospital around 6.20 a.m. on November 6, 2021 in emergency of Gynaecology and Obstetrics Deptt. with history of 4th gravida precipitate labour and delivered a baby girl within five minutes i.e. at 6.25 a.m. According to the report of enquiry committee itself, it was admitted that the labour was precipitated and the child slipped from the delivery table and was hanging with its umbilical cord intact at a length of 50/60 cmts. It is fortunate that the height of the table was 80 cmts. but for which the child could have sustained graver and debilitating injuries. However, when the child slipped from the table it is probable that it sustained some injury on head which was reflected by the fracture of left

occipital bone though not displaced. The child was admitted to SNCU for nearly a week as it was vomiting continuously for which the child was treated subsequently. Since no neurological facilities were available at Bardhaman Medical College and Hospital the child was referred to Bangur Institute of Neurology, SSKM Hospital for further medical check up which was duly done by the Bangur Institute of Neurology authorities including suggestion for C.T. Scan and medication. The B.I.N authorities suggested admission for observation but Mst. Amina Sekh did not do so fearing covid infection. It is fortunate that the child did not suffer any neurological deficit.

The West Bengal Human Rights Commission further observed that there was complete chaos and pandemonium in the labour room as a large number of patients were being treated simultaneously on that particular day and time, with only two very inexperienced doctors and non-availability of nursing officers. Further, no individual care could be given to each of the patients for which the child suffered severe brain injury including fracture of occipital bone. It is unfortunate that no pediatrician and Gynaecologist were available on duty in the labour room. The West Bengal Human Rights Commission noted that at present medical science has improved considerably and child birth now-a-days is a team work with pediatrician, Gynaecologist and Neurologist and supporting nursing officers which were, however, not available in this situation. This speaks volume

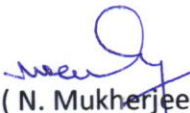
about improper administration at Bardhaman Medical College and Hospital. The West Bengal Human Rights Commission came to the conclusion that there was definite negligence on the part of Bardhaman Medical College and Hospital authorities (in above stated circumstances) for which a patient with a medical history of 4th gravida pregnancy and precipitate labour was not given sufficient care and attention. This resulted in the child slipping out from the delivery table and sustaining injuries in the head as revealed by C.T. Scan. Recording of the case history under the heading "Course During Treatment" in the Discharge Card of Sick New Born Care Unit, that the baby was admitted after fall from height, cannot be lost sight of, as recording of such fact by the doctor in usual course of business, amply proves that the allegation of fall of the child from height, causing fracture on his head is proved. The West Bengal Human Rights Commission recommends the following :


- (i) Since the child suffered injuries in the head with fracture of occipital bone during child birth due to negligence of hospital authorities the West Bengal Human Rights Commission recommends a compensation of Rs.50,000/- (Rupees fifty thousand) to be paid to Mst. Amina Sekh, mother of girl child;
- (ii) Principal Secretary, Health and Family Welfare Department, Govt. of West Bengal may consider issuing direction to


M.S.V.P., Bardhaman Medical College and Hospital to take care and streamline the process of delivery at Bardhaman Medical College and Hospital so that such chaos and pandemonium could be avoided. Further, in the labour room other senior Gynaecologist and Pediatrician should remain present rather than giving the responsibility to inexperienced interns/house staff.

8. Special Secretary, W.B.H.R.C. is directed to send authenticated copy of the recommendations to the Chief Secretary, Govt. of West Bengal. Chief Secretary, Govt. of West Bengal should inform the Commission about the action taken or proposed to be taken on the recommendations within a period of 3 (three) months from the date of receipt of this communication.

Ld. Registrar, W.B.H.R.C is directed to upload the recommendations in the website.


(N. Mukherjee)
Member
25/7/2023


(Justice Jyotirmay Bhattacharya)
Chairman
25.07.2023


(Justice Madhumati Mitra)
Member 25.07.2023

Encl : Copy of petition,
Copy of report of Health & Family Welfare Deptt.,
Copy of report of Investigation Wing, WBHRC.