

WEST BENGAL HUMAN RIGHTS COMMISSION
Purta Bhavan, 2nd Floor, Salt Lake, Kolkata – 700 091.

File No. 1155/WBHRC/COM/2015-16

P r e s e n t

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| 1. Shri Naparajit Mukherjee | Acting Chairperson |
| 2. Shri M. S. Dwivedy | Member |

The brief facts of the case :

1. A news item appeared in an English daily “Hindustan Times’ on 1.2.16 headlines **“2- month-old baby might lose arm, hospital blamed.”** The news item stated that a two months old boy, Ankush Sheet, was suffering from breathing problems when family members brought him to a local doctor in Raniganj, who advised him to be admitted in Asansol District Hospital. He was admitted to the Paediatric department when his father Susanta Sheet alleged that the sister-in-charge tried to establish intravenous line (I V Line) for giving saline to the baby and while doing so, she tied tourniquet on Ankush’s right arm but two days afterward they did not remove it. The tourniquet remained in the boy’s arm for two and a half days and the right arm turned black and there was severe gangrene. When Susanta Sheet noticed the colour of the arm he removed Ankush’s shirt and saw rubber tourniquet still tied there. Subsequently, the patient was referred to SSKM hospital. The SSKM authorities had asked him to

contact the Plastic Surgery department and Ankush's right arm might have to be amputated, as alleged in the news item.

2. The West Bengal Human Rights Commission took Suo-moto cognizance of this news item and called for report from the Director of Health Services, West Bengal within four weeks from the receipt of the order dt.2.2.16. The Assistant Secretary, department of Health and Family Welfare vide his memo no. HF/O/GA/755/2R-21/2016 dt.10.03.16 submitted the enquiry report conducted by a committee headed by Deputy Director Health services (Admn) Dr. Smt. Tanima Mondal of Swastha Bhavan, Bidhannagar and Dr. Debasis Halder CMOH, Asansol and Dr. Nikhil Chandra Das, Superintendent Asansol District Hospital

Facts as revealed by the enquiry report are as follows :

3. Ankush Sheet, Son of Jayanta Sheet aged, a two-month-male baby was initially brought to B.N. Agarwal Nursing Home for treatment from where he was referred to Asansol District Hospital. He was treated at the Emergency of Asansol District Hospital on 26.01.16 around 4.47 pm by Dr. Saikat Kumar Basu (EMRO). He admitted that patient and advised medical examination and referred to paediatric ward. He also advised to call the Bed-in-charge immediately. In the ward on 26.1.16 the on-duty

sister received the baby and asked the mother to put the baby on a trolley and requested the patient party to stay outside. The nursing staff tried to establish I.V. Line on the baby and handed over the baby to the mother with an I.V Line in the foot of the patient. From the statement of one of the on-duty nursing staff, Smt. Joyshree Konar, it was found that the I.V. Line on the foot of the patient was established by one Bubai, who was engaged by a private Laboratory tagged under Janani Sishu Suraksha Karjokram Programme beneficiary for collecting blood as the on-duty nursing staff had failed to establish I V Line earlier. Statements of Bubai and other housekeeping personnel corroborated this fact. The baby patient was attended by on-duty DNB PGT Dr. Dr. Makwana Nithin Ramanik Bhai in the ward who advised him intravenous antibiotics as the I.V. Line had already been established. Later, the Bed-in-charge Dr. Asish Kr. Ghosh, medical officer Paediadritc also attended the patient. On 27.1.16, Dr. Asish Kr. Ghosh, on-duty round advised some medical investigations as evident from Bed Head Ticket and his statement. In this regard the enquiry committee made an important finding to the effect that Dr. Asish Kr. Ghosh prescribed investigation to be done from outside laboratory instead of Janani Sishu Suraksha Karjokram Programme tagged laboratory for which the patient party had to pay a sum of Rs. 350/- in violation of the established Govt. Policy. On 28.01.16 Dr. Asish

Kumar Ghosh again checked up the patient and his investigations are noted in the Bed Head Ticket.

4. On 28.01.16 around 5.00 pm the mother of the patient Ankush Sheet noted blackening of right hand and fingers of her son. She informed on-duty nursing staff about the physical condition of her son and the one of the on-duty sisters, Smt. Karabi Das came to the spot and gave call book to Dr. Partha Sarathi Gupta (MOER). He attended the patient at 5.30 pm and advised Thrombophobe ointment to be applied locally without examining the entire upper limb. After that, the patient party purchased the ointment and produced it to the nursing staff for application but the nursing staff asked the patient party to apply the ointment on the baby's arm themselves. While applying the ointment the mother and relatives observed that a rubber band was tied encircling the arm just above elbow. As a result, the entire upper limb below elbow was blackened, as stated by the mother of the baby. They immediately called the on-duty nursing staff who removed the rubber band and took it with her. The patient was then attended by Dr. Swagata Chakraborty, on-duty paediatrician. This doctor advised low molecular wt. Heparin and referred the patient to an on call surgeon Dr. Prasenjit Roy who referred the patient to higher center for better management.

5. The enquiry report came to the following conclusions :

- a) The on-duty nursing staff on 26.1.16 Smt. Joyshree Konar and Smt. Karabi Das attended the patient for establishing I.V. Line. During the procedure they might have left the rubber band/tourniquet tied on the right arm leading to development of Ischemia in right upper limb. Dr. Asish Kumar Ghosh, bed-in-charge who had been treating the patient for three consecutive days i.e. 26-28 -1-16 did not take proper care of the patient. If he had examined the baby properly then the condition of the limb and ligature would have come to his notice and the limb might have been saved. He also prescribed investigation to be done from outside hospital which was against established government policy and proves malpractices.
- b) Dr. Partha Sarathi Gupta prescribed Thrombophobe ointment without examining the entire limb.

The Assistant Secretary, Health and Family Welfare in his forwarding report mentioned about the following actions being taken by the Health department based on the enquiry.

- i) Smt. Joyshree Konar and Smt. Karabi Das both nursing staff were placed under suspension and departmental proceedings drawn against them.
- ii) Dr. Asish Kumar Ghosh, MO (Paediatrics), Asansol District Hospital was placed under suspension and departmental proceedings drawn

against them.

- iii) Show cause notice was issued against Dr. Partha Sarathi Gupta and Dr. Nikhil Chandra Das Superintendent, Asansol District Hospital

The report was examined and accepted by the Principal Secretary, Health and Family Welfare Department, Government of West Bengal.

6. Action taken by the West Bengal Human Rights Commission :

On receipt of the report the Commission discussed the matter on 11.5.16 Smt. Joyshree Konar and Smt. Karabi Das both nursing staff were directed to appear before the Commission on 17.06.16 and Dr. Asish Kumar Gupta and Dr. Partha Sarathi Gupta and Dr. Nikhil Chandra Das were directed to appear before the commission on 27.06.16 for recording their statements u/s 16 of the Protection of Human Rights Act, 1993. On 17.1.16 statements of Smt. Joyshree Konar and Smt. Karabi Das were recorded but the Commission found on scrutiny of the enquiry report submitted by Health department that I.V. line was established on foot but blackening of hand occurred due to tying of tourniquet on hand. There was an obvious discrepancy which had to be clarified from enquiring officer Dr. Tanima Mondal, DDHS (Admn) and for seeking certain clarifications arisen out of this issue, she was directed to appear before the Commission. Subsequently, on 5.7.16 the Commission examined Dr.

Tanima Mondal, head of the enquiry Committee and separately Dr. Nikhil Chandra Das, Dr. Asish Kumar Ghosh and Dr. Partha Sarthi Gupta and recorded their statements. The commission on this date observed that a report be called for from Director of Health Services regarding the final fate of the patient Ankush Sheet admitted in Asansol District Hospital who had suffered Ischemia of right hand and later shifted to SSKM hospital for better management.

7. The report of the Director of Health Services, as forwarded by the Assistant Secretary Health and Family welfare vide HF/O/GA/2067/2R-21/2016 dt.26.07.16 was received by the Commission on 4.8.16. In this report it was stated that the patient Ankush Sheet was admitted in SSKM Hospital, Department of Paediatric Surgery on 29.1.16. A medical board was constituted and on 30.1.16 and the board found that from the level of right wrist upward was gangrenous. The board decided to keep the patient under observation with the hope of improvement of the forearm. After observation of two days, on 1.2.16 a review meeting was undertaken and the medical board unanimously opined that further delay was not advisable because of risks of sepsis as the patient was delivered prematurely and had low birth weight.

8. A decision was taken to amputate the right upper limb through viable portion of the mid arm as a life-saving-measure and the guardians were taken into confidence. On 2.2.16 operation was conducted to amputate the right upper limb of the baby above elbow by a team of doctors led by Dr. Biswas. The medical board again met on 7.2.16 to review the condition and opined the wound was healthy. Stitches were done on 8.2.16 and the patient was discharged from SSKM hospital on 9.2.16.

9. West Bengal Human Rights Commission recorded the statement of the nursing staff and doctors called u/s 16 of the Protection of Human Rights Act, 1993 which are discussed as follows :

Smt. Karabi Das, nursing staff Asansol District Hospital stated before the commission on 17.6.16 that she was working as nursing staff on 24.1.16 and presently under suspension w.e.f. Feb.11 2016. Smt. Karabi Das posted as on-duty sister along with Smt. Joyshree Konar, another staff nursing received Ankush Sheet a two month old baby in the hospital for treatment as he was suffering from respiratory distress and intramuscular injection, namely Ceftriaxone was administered. This injection was given within 15 minutes of admission i.e. around 4.47 pm on 26.1.16. Around 5.45 pm Dr. Makwana Nithin Ramanik Bhai advised establishment of

I.V. Line on foot of the patient. She commented that normally doctor themselves established such I.V. line as it was beyond the duty of the nurses. Dr. Makwana Nithin Ramanik Bhai ordered Bubai who was an outsider collecting blood from the patients admitted in the hospital to establish I.V. Line on foot. The I.V. line was established on foot in presence of Smt. Karabi Das as claimed by her. She denied to have applied tourniquet on Ankush Sheet, the two month old baby. She accepted that she had been examined by Dr. Tanima Mondal during enquiry and had received the copy of the enquiry report. She further stated that on 28.1.16 she was on duty at 5.00 pm when the mother of Ankush sheet reported about blackening of right hand and fingers when she gave call book to Dr. Partha Sarathi Gupta (MOER) who, in turn, attended the patient around 5.10 pm and advised Thrombophobe ointment.

10. She denied to have asked the patient party to apply Thrombophobe ointment themselves. She claimed that she asked her colleague nurse Ruma Gurung to apply the ointment on the patient. She also denied that the patient party had shown rubber band tied to the arm. She claimed that after sometime one male person of the patient party showed a rubber band and stated that it was tied around the arm of the patient but that kind of band was not used in the hospital.

11. Smt. Joyshree Konar, nursing staff stated before the Commission on 17.6.16 that she was working as nursing staff in Asansol District Hospital and was currently under suspension. On 28.1.16 it she was posted in Asansol District Hospital and along with nurse Smt. Karabi Das received Ankush Sheet, a two month old baby in the ward for treatment after 4.47 pm. She further claimed that it was not the duty of the nursing staff to establish I.V. Line on any patient. She claimed that the attending doctor Dr. Makwana Nithin Ramanik Bhai had ordered establishing of I.V Line in the foot of the patient and had directed Bubai, an outsider of Private Pathological laboratory who routinely collects blood from patients admitted in Asansol District Hospital to establish, I.V. Line in the foot of the patient. Accordingly I.V. Line was established in the foot of the patient. She denied having seen Bubai using tourniquet on any part of the body of the patient. She claimed that she was not on duty on 28.1.16 around 5.00 pm but had joined duty at 8.00 pm.

12. Dr. Asish Kumar Ghosh medical officer, Asansol District Hospital was examined by the commission on 5.7.16 when he stated that he was Medical Officer and has been placed under suspension by the Govt. regarding the incident of patient Anksuh Sheet.

13. Dr. Partha Sarathi Gupta medical officer, Asansol District Hospital stated before the Commission that he retired from service w.e.f May 31 2016 and submitted reply to his show cause notice issued by the department to him.

14. Dr. Nikhil Chandra Das, Superintendent of Asansol District Hospital was examined on 5.7.16 when he stated that he was Superintendent on 26.1.16 and continues to be Superintendent there. He was informed by Dr. Swagata Chakraborty, on-call Bed-in-Charge, that patient Ankush Sheet had suffered Ischemia on right upper limb which finally turned out that the rubber band tied on right upper band therein was not immediately removed when I.V. Line could not be established.

15. Dr. Tanima Mondal, Dy Director of Health Services was examined by the Commission to seek clarifications on her enquiry report on 5.7.16. She stated before the Commission that strictly speaking it was not the duty of the nursing staff to establish I.V. Line but it was the usual practice by them and in case of any problem they called the doctor. Dr. Makwana Nithin Ramanik Bhai was the DNB PGT Student of Diplomate in National Board. Some laboratories have been tagged under Janani Sishu Suraksha Karjokram Programme where charges for investigation are subsidized under PPP scheme Instead of referring to Janani Sishu Suraksha

Karjokram Programme tagged Laboratory, Dr. Ghosh prescribed investigation to be done from outside Laboratory. She clarified that blood supply to right upper limb was blocked because of rubber band tied therein. It showed that at first, attempts were made to trace the veins on right hand for establishing I.V. Line but when the vein could not be traced it was established on the leg of the patient. Nurse Ruma Gurung was not found responsible during her enquiry but she found nursing staff Smt. Karabi Das and Smt. Joyshree Konar responsible. She further stated that right hand from above elbow of the two-month-old patient was amputated at SSKM Hospital.

16. Facts finding by the Commission :

The Commission considered the reports submitted by Assistant Secretary, Health and Family Welfare Department on the basis of the enquiry conducted by Dr. Tanima Mondal, Dy Director of Health Services, W.B., subsequent report submitted by Director of Health Services which was forwarded by Assistant Secretary of Health Services regarding current status of the baby patient Ankush Sheet, statements of Smt. Joyshree Konar and Smt. Karabi Das both nursing staff, Dr. Tanima Mondal, Dy Director, Dr. Nikhil Chandra Das, Dr. Asish Kumar Ghosh and Dr. Partha Sarathi Gupta.

17. After going through of the facts as emerged from the above mentioned documents the commission is of the following opinion :-

18. Ankush Sheet (two months old baby) male S/o Jayanta Sheet was suffering from breathing problem when he was first taken to a private nursing Home who advised admission in Asansol District Hospital for better treatment. At 4.47 pm on 26.1.16 after initial treatment at Emergency Dr. Saikat Kumar Basu, Emergency Medical Officer referred him to be admitted in Paediatric Ward of Asansol District Hospital. Thereafter, the on-duty sister namely Smt. Joyshree Konar and Smt. Karabi Das received the patient and they tried to establish the I.V. Line on the foot of the patient but they were unable to do so. On their request a private person namely Bubai, who is engaged in the job of collecting blood for outside laboratory from patients admitted in the hospital was requested to establish I.V. Line. The person namely Bubai established the I.V. line on the foot of the patient. Subsequently the on-duty Dr. Makwana Nithin Ramanik Bhai advised antibiotic Intravenous injection as the I.V. Line had already been established. Later, on the same day the patient was examined by Dr. Asish Kumar Ghosh, Medical Officer of Paediatric Unit on 27.1.16 and Dr. Ghosh recommended the patient party that some investigations are to be done from Laboratory tagged outside the

Janani Sishu Suraksha Karjokram Programme for which the patient party had to pay a sum of Rs. 350/- in violation of established Government Policy. On 28.1.16, Dr. Asish Kumar Ghosh examined the patient in the morning very routinely but could not trace any abnormality regarding the state of the right upper limb. On the same evening around 5.00 pm, the mother of the patient Ankush Sheet reported on-duty nursing staff Smt. Karabi Das about the blackening of the right upper limb. Smt. Karabi Das gave call book to Dr. Partha Sarathi Gupta who attended the patient at 5.10 pm extremely casually i.e. without examining the right upper limb and advised application of Thrombophobe ointment. The patient party purchased Thrombophobe ointment and requested nursing staff Smt. Karabi Das to apply the same but she refused for which the patient party themselves applied the same. During that period while applying the ointment they exposed the right arm and observed that the band was still tied encircling the arm just above elbow. The entire upper limb was blackened due to lack of blood supply. When they reported the matter to the on-duty nursing staff Smt. Karabi Das quietly removed the band from the patient and took it with her. Subsequently, Dr. Swagata Banerjee on duty Paediatrician examined the patient and advised heparin and also suggested examination by surgeon Dr. Prosenjit Roy who in turn referred the matter to higher management centre.

19. The Commission agrees with the report of Dr Tanima Mondal, Deputy Director, Health Services, West Bengal holding nurse Smt. Karabi Das and nurse Smt. Joyshree Konar responsible and the other doctors such as Dr. Asish Kumar Ghosh and Dr. Partha Sarathi Gupta were also responsible for negligence and failure to perform their duties. The Commission is of the opinion that the nursing staff Smt. Karabi Das and Smt. Joyshree had attempted to establish I.V. Line in the right upper limb of the patient by tying a tourniquet but having failed to do so requested Bubai, apparently “an expert in this filed” to establish IV line who did so on the foot of the patient. In the process nursing Smt. Karabi Das and nurse Smt. Joyshree totally forgot about the tourniquet tied on the just upper limb of the patient and the matter continued to rest like that for the next two days totally damaging the right upperlimb of the two month old baby resulting in gangrene.

20. The approach of Dr. Partha Sarathi Gupta was very casual and he also failed to detect the tourniquet when he came for examination on 28.1.16 around 5.10 pm following complaints of blackening of right hand. Dr. Asish Kumar Ghosh was also responsible for failing to follow established government policy and forcing the patient party to conduct investigation from outside laboratory thereby incurring a financial loss of Rs. 350/-. This goes to show the extremely casual approach of the on-

duty doctors as well nursing staff, free entry of outsiders inside the hospital and their use in medical intervention which is totally illegal and in violation of the hospital codes and ethics since these are untrained medical practitioners.

The Commission, therefore, recommends as follows :

- A. The Commission agrees to the action initiated against nursing staff Smt. Karabi Das and nurse Smt. Joyshree Konar as well as Dr. Partha Sarathi Gupta. Since they have been placed under suspension and departmental enquiry is going on, the Commission directs the Government to send the final report of the departmental proceedings at an early date i.e. within the next four months
- B. Compensation to the tune of Rs.2.00 lakhs be paid to the parents of Ankush Sheet for permanent loss of his limb at a very tender age making him a life -long physically deficient person with no fault of his own. The amount of compensation awarded be fixed in any Nationalised Bank in favour of minor child Ankush Sheet till attainment of majority of Ankush Sheet. D.M. Burdwan to take all necessary steps to ensure compliance of fixed deposit of compensation.
- C. During the course of enquiry it came to light that it was not the duty of nursing staff to establish IV line and that doctors were also not doing so. The question there arises who will establish IV line -

doctor or Nursing staff? Presently, this was being done by outsiders who are not hospital staff and totally untrained in medical practices. This situation cannot be allowed to continue and the Commission recommends that a regulation or charter of responsibility for both doctors and nurses be drawn up by the Health department so that such practices in future are not undertaken. This incident also goes to show lack of training on basic minimum medical intervention like giving injection, establishing I.V. channels etc both on the part of the doctors as well as nursing staff. The Commission, therefore, recommends that a special training programme for all nursing staff and doctors be organized in government hospital of West Bengal for this purpose – establishing IV line and administration of injection. Principal Secretary, West Bengal Human Rights Commission is requested to send a copy of the recommendation to the Chief Secretary, Government of West Bengal with a request to submit action taken report to the Commission in the next four months time.

Sd/-
(M. S. Dwivedy)
Member

sd/-
(Naparajit Mukherjee)
Acting Chairperson

Date: 16th August, 2016