

WEST BENGAL HUMAN RIGHTS COMMISSION

File No.359/WBHRC/Com/2015-16

Present

1. ShriNaparajit Mukherjee - Acting Chairperson
2. Shri Mani ShankerDwivedy - Member

Brief facts of the case :

A news item appeared in Bengali vernacular daily Ananda Bazar Patrikad. 19-7-2015 with the headline “স্যালাইনের চ্যনেল কাটতে গিয়ে সদ্যজাতের আঙুল কাটলেন নার্স” In this news item it was stated that an allegation was levelled against a nurse of Balurghat District Hospital, Dist-Dakshin Dinajpurthat she cut the thumb of a new born baby while attempting to remove a saline channel attached to the thumb of the baby in which leucoplast was used to bandage the same. It was further alleged that the thumb, which was severed from the hand could not be fixed into the hand despite the fact that the parents and the baby went to Siliguri for better treatment with the baby and its severed thumb.

On 14.7.2015the West Bengal Human Rights Commission took cognizance of the matter and called for a report within four weeks

from Principal Secretary, Health and Family Welfare Department,
Govt. of West Bengal.

Report of Health Department :

The West Bengal Human Rights Commission received an enquiry report on 16/11/2015 vide Health Deptt. Memo no.HF/O/GA/2965/2R-34/2015 dt.04/11/2015 from Assistant Secretary of the Health Department with which the enquiry report was enclosed along with action taken by the Health Department following such an enquiry.

The enquiry was conducted by a panel of five doctors led by Dr.Jnanprakash Bandyopadhyay, Medical Officer (Dermatology) of Balurghat Hospital. The report stated that Mamoni Mondal, a female patient six (6) days old was admitted to neonatal ward of Balurghat Hospital under Dr. Tapas Mondal on 10.7.15 (at 15.27 hrs.) with history of loose motion. The baby was managed with I.V. fluids and I.V. antibiotics and as she stabilised, the I.V. fluids were omitted on 11.7.15 while I.V. antibiotics continued. On 12.7.15 at about 11 p.m. the on duty staff nurse Smt.Rakhi Sarkar noticed that the I.V. channel has been extravagated. She tried to remove the channel which was wrapped with leucoplast around the dorsum and thumbs of left hand

but as she failed to remove the leucoplast with bare hand when she attempted to cut it with scissors. During such removal she inadvertently cut the distal part of the left thumb and threw the amputated part along with IV. cannula with leucoplast into the basket. The same was recovered shortly and placed in ice to preserve it. Dr. Achintya Kr. Biswas, the on call paediatrician attended the baby and as there was no active bleeding from the injured thumb referred the patient to on call orthopaedic surgeon Dr. Nirmalya Das. The orthopaedic surgeon attended the patient and made the requisite treatment after which he explained the situation to the relatives of the patient. He referred the patient to Government Medical College, Siliguri at 12.10 a.m. on 13.7.015 for better treatment so that the thumb could be saved. The Superintendent of the Hospital gave necessary assurance to the parents for better treatment, arranged for "Nischay Yan" and sent the baby with their parents to North Bengal Medical College & Hospital, Siliguri Hospital on 13.7.15 around 1.17 a.m. The baby was brought back to Dist. Hospital, Balurghat and readmitted at neonatal ward on 13.7.15 around 4.07 p.m. and a board was formed consisting of three paediatricians and two orthopaedic surgeons for better management. The board attended

the baby and “repaired the wound”. The amputation of the left thumb was through the proximal phalanx. The report further commented that no active intervention was done at North Bengal Medical College & Hospital, siliguri as it was observed that the baby was admitted there at 7.40 a.m. on 13.7.15 and subsequently released. As noted earlier, she was readmitted to Balurghat Hospital around 4.07. p.m. on 13.7.15.

The report further commented that Smt. Rakhi Sarkar, staff nurse was placed under suspension and departmental proceeding was being contemplated, for which a charge sheet was served on her 07.8.15. The Supdt. of Balurghat Hospital, Dr. Tapan Biswas has been issued with a show cause notice and disciplinary action was being contemplated.

Action taken by the Commission :

On receipt of this report the Commission discussed the matter at length on 21.12.16 and it was decided to suggest to Health Deptt. report for adequate specialized training for staff nurse in neonatal care in all hospitals and also call for a report from D.M., Balurghat regarding financial condition of the family of patient Mamoni Mondal for recommending adequate compensation to the Government. The

report of D.M. was received on 11.3.2016 regarding financial condition of the family which was duly discussed in the Commission. The D.M. informed that the family has seven members including two minor and primary source of income was from agricultural work. It concluded that the family was in financial distress though not living in a hand to mouth condition. The father of the victim was attached to Health centre under Balla Gram Panchayat and receiving a salary of Rs.12,000/- p.m. The Commission examined the report and decided to have clarification from District Magistrate, Dakshin Dinajpur as to when the father of the victim was given a job in Health Centre and whether the same was permanent in nature. Further, report was received from D.M., Dakshin Dinajpur on 03.8.2016 by the Commission and it was stated that Shri Babla Mondal father of Mamoni Mondal, the victim, was given a job on 30.7.2015 on a permanent basis as stated by the incumbent, however, Shri Babla Mondal did not submit any documents regarding his appointment. The matter was discussed in Commission and it was decided to examine Smt. Rakhi Sarkar, Staff Nurse on 23.11.1016 u/s 16 of PHR Act.

Examination of Smt. RakhiSarkar u/s 16 of the PHR Act:

Smt. Rakhi Sarkar, staff nurse of Balurghat Dist. Hospital appeared before the Commission on November 23, 2016 and stated that she was posted in Balurghat Dist. Hospital on 12.7.15 when Mamoni Mondal, a new born baby, six days old was admitted to the hospital with history of loose motion. The patient was managed with I.V. fluids and antibiotics but the I.V fluid was discontinued on 11.7.2015 evening but I.V. antibiotics continued. She completely denied of any involvement with the patient Mamoni Mondal regarding removing of leucoplast attached to I.V. channel or cutting of left thumb of the baby. She further stated that a criminal case was pending against her in Balurghat Court and a departmental proceeding commenced against her has since been completed and she has been awarded punishment withholding three increments but has been allowed to join the same hospital in the same capacity and was posted in isolation ward of the hospital.

Findings of the Commission :

The Commission considered the enquiry report of Health Department, on the incident, the reports submitted District Magistrate, Dakshin Dinajpur regarding financial status of the parents of Mamoni Mondal as well as statement of Smt. R. Sarkar, staff nurse

u/s 16 of the PHR Act. The Commission concluded that Mamoni Mondal a new born baby six days old was admitted with history of loose motion at Balurghat District Hospital on 10.7.2015 around 15.25 hrs. and was duly treated with I.V. fluids and antibiotics by the Hospital doctors. As her condition improved I.V. fluids were discontinued on 11.7.15 evening but the antibiotics continued. Around 11 p.m. of 12.7.15 Smt. Rakhi Sarkar, staff nurse noticed that the I.V channel has extravagated when she tried to remove the I.V. channel which was bandaged in leucoplast on the left thumb around dorsum and the thumb. She failed to remove the bandage using bare hands when she attempted to cut the same with scissors and in the process negligently cut the thumb of the new born baby from its distal part. She then threw the thumb into waste basket instead of preserving the same. The paediatrician was immediately called who attended to the injured thumb and orthopaedic surgeon was also called apparently to repair the thumb but the hospital authorities including the Superintendent took a decision to refer the patient to Medical College &Hospital, Siliguri for better treatment. The patient and their parents were accordingly sent at 1.17 a.m. on 13.7.2015 by “Nischay Yaan” from Balurghat to Siliguri. At Siliguri hospital nothing

much was done as the baby was admitted on 7.40 a.m. on 13.7.2015 and the enquiry report mentions only of some conservative treatment. The records of North Bengal Medical College indicate that the baby was referred to Plastic Surgery Deptt. of any Govt. Hospital. It is quite surprising that the North Bengal Medical College, Siliguri did not undertake any measure for better treatment as a result of which the patient was brought back to Balurghat Hospital and readmitted on 13.7.2015 at 04.07 p.m. Such long journey to and fro Balurghat to Siliguri caused immense physical and mental harassment and torture to the injured baby patient and the parents. Ultimately, at Balurghat Dist. Hospital treatment was rendered which resulted in amputation of proximal phalanx of left thumb. The Commission concluded that Smt. Rakhi Sarkar was definitely guilty of severe negligence by cutting the thumb of the new born baby in the process of removing leucoplast and I.V. cannula. She could have taken the assistance of surgeons and doctors when her initial attempts at removing the bandage with bare hands failed instead of embarking on such adventurous act. It is good that the Health Department took prompt disciplinary action against the staff nurse. The role of North Bengal Medical College and Hospital, Siliguri is also surprising and

casual as they made no attempt at proper treatment at restoring the thumb on the hand of the new born baby instead they returned the patient to the hospital at Balurghat. The Supdt. of the Hospital's decision at Balurghat to refer the victim to North Bengal Medical College and readmitting her after a lapse of 15 hours is also very questionable. The Health Department has informed the Commission that they have issued a show cause notice to the Supdt. and contemplates disciplinary proceedings against him. The Commission, therefore, feels that there was total negligence on the part of the staff nurse, Smt. Rakhi Sarkar and that subsequent actions of the hospital authorities including Superintendent, Dr. Tapan Biswas were very questionable as it led to considerable physical and mental harassment to an injured new born baby and its parents who were mentally and physically traumatized.

The Commission makes following recommendations:

- i. The Commission recommends that a sum of Rs.1,00,000/- (Rupees one lakh only) be paid as compensation to Babla Mondal, the father of Mamoni Mondal considering the physical and mental trauma of the victim as well as financial condition of Babla Mondal.

Compensation amount of Rs.1,00,000/- be fixed in any Nationalised Bank till attainment of majority of child Mamoni Mondal.

District Magistrate, Dakshin Dinajpur to get the compensation so fixed in Bank and regulate the same till stipulated period.

- ii. The final outcome of departmental proceedings against Rakhi Sarkar, staff nurse be communicated to the Commission with two months' time.
- iii. Final outcome of department proceedings against the Supdt. Of Balurghat Hospital Dr. Tapan Biswas be communicated to the Commission within two months time.
- iv. The Health Department has already initiated a training programme for neonatal care of staff nurses which should be continued on a regular basis.
- v. In view of the fact that the patient was referred from Balurghat Hospital to North Bengal Medical College and Hospital without any fruitful result and ultimately the treatment was conducted at Balurghat Dist. Hospital it is recommended that the Health Department should consider issuing a circular to all district hospital authorities to carefully examine cases and then only refer them to higher hospital. This should be done with due contemplation and not on a routine/casual basis.
- vi. The Principal Secretary, W.B.H.R.C. is directed to send a copy to the Chief Secretary, Govt. of West Bengal for

appropriate action at his end and action taken report be sent to the Commission in four months time.

Sd/-

(M. S. Dwivedy)
Member
25/11/16

sd/-

(N. Mukherjee)
Acting Chairperson
25/11/16

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