

WEST BENGAL HUMAN RIGHTS COMMISSION

File No.1585/WBHRC/COM/2008-2009

P r e s e n t

1. Mr. Justice Asok Kumar Ganguly - Chairperson
2. Mr. Justice N.C. Sil - Member
3. Mr. S.N. Roy - Member

A news report appeared in Aajkal, a Bengali daily newspaper on 02-2-2009 wherein it was stated that one patient named Md. Samsuddin aged about 55 years got admitted in Chandannagore Hospital on 29-1-2009. But from the wee hours at about 5 a.m. on 31-1-2009 he was found missing. A search was made but he remained untraced. Subsequently, on 01-2-2009 around noon his dead body was found by the local people on the eastern side of a tank located within the hospital campus. Considering the gravity of the reported incident, Commission took suo motu cognizance of the matter and directed the Chief Medical Officer of Health, Hooghly to cause an enquiry and submit report in the matter.

2. C.M.O.H., Hooghly forwarded a report of enquiry conducted by Dy.CMOH – I, Hooghly who happened to be the Chairman of the Enquiry Committee. In his report the incident was confirmed and it was stated that the patient was admitted at 6.30 A.M. on 29-1-2009 and subsequently was found missing on 31-1-2009 at 5 a.m. From the records, statement and circumstantial evidence, the Committee

came to the “Inference” that Amarjit Routh an attendant who was engaged by the relatives of the patient lost all contact with the patient and it was he who first took notice of the missing of the patient. Subsequently, necessary search was made in the campus by hospital authorities without any result. Ultimately, the dead body of the patient was found by the local people in the pond around noon on 01-2-2009. He also came to the conclusion that the Chandannagore Sub Divisional Hospital authority did their best but they had no control over the unfortunate incident that occurred on the day of 31-1-2009 and 01-2-2009.

3. The Commission considered the report sent by C.M.O.H., Hooghly and decided to examine the following persons:-

- i. Anmarjit Routh, Attendant, Chandannagar S.D. Hospital
 - ii. Dr. Saibal Banerjee, Dy. CMOH – I, Hooghly
 - iii. Dr. Asim Kumar Pramanik, Superintendent, Chandannagar S.D.Hospital
 - iv. Dr. Bhushan Chakrabarti, the then CMOH, Hooghly
4. Amarjit Routh, Attendant, Chandannagar S.D. Hospital stated in his evidence that he was not a hospital employee. He is a private person. He works as an attendant to some private patients who are willing to engage him as an attendant. In the instant case, he was engaged by the family of the deceased to work as attendant for the night. He further stated that he was at the bedside of the patient and when he went to the toilet, the patient escaped.

5. Dr. Saibal Banerjee, Dy.CMOH – I, Hooghly stated in his evidence that he was the Chairman of the Enquiry Committee constituted by the then CMOH , Hooghly. He admitted that the hospital employees including attending nurses and concerned Gr.'D' staff and the Darwans are responsible for absconding of any patient from his bed. He also admitted that he had not mentioned in his report the persons who should be held responsible for the incident.

6. Dr. Asim Kumar Pramanik, Superintendent, Chandannagar S.D. Hospital stated in his evidence that he was in the same post since 2008. He made a startling disclosure in course of his evidence that on an average two patients escape from the hospital without being released and thus every year about 700 such cases take place for which police have to be informed about the escape of such patients. However, later on he stated that the aforesaid figure of 700 cases of escape was not correct and he expressed his regret for making such a wrong statement. On the day of the incident, there were one staff nurse and one Gr.'D' in the ward and also there was a Darwan in the main gate and the collapsible gate was closed at night.

7. Dr. Bhushan Chakrabarti presently posted as Assistant Director of Health Services was posted as C.M.O.H., Hooghly at the relevant point of time. He admitted that it is not definitely a normal incident that a patient, after having been admitted in a hospital, escaped from his bed and thereafter his dead body was found floating in the pond in the campus of the hospital. He confirmed that he did

not enquire into the matter personally nor did he cause any enquiry at any point of time independently prior to the direction of the West Bengal Human Rights Commission. After receiving the direction of the Commission, he asked Dy.CMOH for conducting an enquiry. He was also not aware whether any enquiry was conducted by the Superintendent, Chandannagar S.D. Hospital. Dr. Bhushan Chakrabarti further stated in his evidence that it appeared from the record that the patient had been suffering from partial paralysis. He was unable to indicate the distance of the pond in which the dead body was floating from the hospital bed. He also could not say in which floor the patient was admitted.

8. The evidence of the three doctors, the then CMOH, Hooghly, Dy.CMOH – I, Hooghly who conducted the enquiry and the Superintendent, Chandannagar S.D. Hospital constitute a very sad and depressing commentary on the functioning of the Health set-up in Hooghly at the relevant point of time. A patient suffering from partial paralysis was noticed missing from his bed at 5 a.m. on 31-1-2009 and ultimately his dead body was found by local people floating in the pond around noon on 01-2-2009. The Dy.CMOH – I submitted an enquiry report which was not only perfunctory but gave a clean chit to the Chandannagar S.D. Hospital that they did their best. He only held Amarjit Routh, a private person engaged by the patient's party as an attendant solely responsible for the incident. In the evidence before the Commission he admitted that the employees including attending nurses

and the concerned Gr.'D' and the Darwan were responsible for absconding of the said patient from his bed. He also admitted his "shortcomings" in preparing the report without fixing any responsibility on the nursing staff, concerned Gr.'D' personnel and the Darwans. Thus, Dr. Saibal Banerjee submitted a misleading report to the Commission and tried to shield the hospital employees and passed on the buck to a private attendant engaged by the patient's party. His conduct is certainly unbecoming of a responsible government official.

9. The Superintendent of Chandannagar S.D. Hospital does not seem to have any clue as to what has been happening in his hospital. He has been in the post since 2008 and the incident occurred on 31-1-2009. In his evidence as has already been noted he initially stated that on an average 700 patients escaped from his hospital every year. Later on, he withdrew his statement. He admitted in the evidence that there were one staff nurse, General Duty Attendant in the ward and one Darwan in the main gate and the collapsible gate was closed at night. The Superintendent did not make any enquiry nor did he call for an explanation from any of the staff and was thus guilty of gross dereliction of duty.

10. The conduct of Dr. Bhushan Chakrabarti who was CMOH of the district is equally reprehensible. From his evidence, it is clear that he had no idea not only about this matter but also about Chandannagar S.D.Hospital in general. He could not say the distance of the pond in which the dead body of the patient was floating

from the hospital bed. He stated in his evidence that Chandannagar Hospital is a three-storied building but he could not say in which floor the Surgical Ward is situated. He did not enquire whether post mortem report was collected. He neither enquired into the matter nor caused any enquiry independently prior to the direction of the West Bengal Human Rights Commission. However, when Dy.CMOH – I submitted his enquiry report, CMOH simply forwarded the same to the Commission without any application of mind. He also admitted in his evidence that no action was taken against any staff of the hospital. His evidence gives ample indication that he was least interested in his job and thus guilty of gross dereliction of duty.

11. From a careful analysis of the facts and circumstances of the case, the evidence and materials on record, it is clear that all these three senior Health Officials, C.M.O.H., Hooghly, Dy. CMOH – I, Hooghly and Superintendent of the Chandannagar S.D. Hospital are guilty of gross dereliction of duty and they are utterly negligent in preventing violation of Human rights of the deceased person. The Commission feels that stringent action needs to be taken against these three officers to send out a clear message to the doctors working in the hospital that such callous, negligent and utterly irresponsible conduct would be dealt with a heavy hand in the interest of providing proper health care to the citizens of the country.

12. Accordingly, the Commission recommends that disciplinary proceedings be immediately instituted against all these three Health Officers, namely,

I. Dr. Bhushan Chakrabarti, the then CMOH, Hooghly

II. Dr. Saibal Banerjee, Dy. CMOH – I, Hooghly and

III. Dr. Asim Kumar Pramanik, Superintendent, Chadannagar S.D.Hospital,
Dist – Hooghly.

12. The Government should intimate the Commission about the action taken or proposed to be taken on the recommendations within a period of two months from the date of communication.

sd/-
(S.N. Roy)
Member

sd/-
(Justice N.C. Sil)
Member

sd/-
(Justice Asok Kumar Ganguly)
Chairperson

Dated: Kolkata, the 3rd July, 2012

Comments of the State Government will be uploaded as and when received.

Sd/- (03/07/2012)
(J. Sundara Sekhar)
Secretary & CEO