

WEST BENGAL HUMAN RIGHTS COMMISSION
BHABANI BHAVAN, ALIPORE, KOLKATA-27

File No. 325/WBHRC/COM/2010-11

P r e s e n t

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|-----------------------------------|---------------|
| 1. Mr. Justice Asok Kumar Ganguly | - Chairperson |
| 2. Justice N. C. Sil | - Member |
| 4. Shri S. N. Roy | - Member |

On 27.07.2010 the Commission took suo motu cognizance on the basis of a news item appearing in the Times of India of the same date. The Times of India reported that one Rekha Saha, a 17 years old girl was going to join her work in the morning when she was knocked down by a lorry on the highway and she fell down and was profusely bleeding and was writhing in pain. Thereafter she was brought to the Malda District Hospital compound by van rickshaw driver and although doctors and nurses walked by the compound where van rickshaw was there with Rekha Saha lying in seriously injured condition, nobody paid any attention to her and ultimately Rekha Saha died without any treatment. The dead body was left unattended and getting drenched in the rain. The Commission took note of this neglect and inhuman behaviour of the hospital staff and taking suo motu notice directed the Chief Medical Officer of Health, Malda to submit a report of the incident within four weeks from the date of communication.

2. Thereupon the report was submitted by Dr. Srikanta Roy, the then Chief Medical Officer of Health, Malda on 4th October, 2010.

3. In fact the said report did not contain anything except the enclosure from the Superintendent of the District Hospital, Malda which enclosed a report prepared by one Dr. Santwana Chattopadhyay, Medical Officer, District Sadar Hospital, Malda.

4. On receipt of the aforesaid so-called report, the Commission again on 04.05.2011 found that the Chief Medical Officer of Health, Malda asked the Superintendent, Malda District Hospital to enquire into the matter and the

Superintendent, Malda District Hospital asked the Medical Officer of the District Hospital, Malda to enquire and the report of the said Medical Officer of the District Hospital, Malda was submitted to this Commission.

5. The Commission is constrained to find the whole thing was done in a rather improper and objectionable way and it is clear that the district medical authorities were shirking their responsibility. The Commission also found that the so-called enquiry was made by the Medical Officer of the hospital against whom the allegations of neglect are complained of. Apart from that the contents of the news item which is the basis of the complaint have not at all been dealt with. Accordingly, the Commission decided to ask Dr. Srikanta Roy, the then Chief Medical Officer of Health, Malda, the Superintendent, District Hospital, Malda and Dr. Santwana Chattapadhyay, Medical Officer, District Sadar Hospital, Malda to come and depose before the Commission. On 19.07.2012 all the officers came and deposed before the Commission.

6. In the statement which was given by Dr. Srikanta Roy, the then Chief Medical Officer of Health, Malda and presently Assistant Director of Health Services he clearly admitted that he did not deal with the allegations made in the news item and he just simply forwarded the report of the Medical Officer of the hospital to the Commission. He also admitted that the Superintendent also simply forwarded the report without making any comments. Dr. Srikanta Roy also admitted that the report prepared by the Medical Officer is silent about the allegations made in the news paper report. The report only notes the name and address of the victim and the fact that the victim was brought dead to the hospital. Dr. Roy also admitted that there is nothing on record to show that the van driver Rabiul Islam, who brought the injured patient to the hospital, was called for or was questioned. Dr. Roy admitted that in the report prepared by the Medical Officer which has forwarded to this Commission there is no indication that any enquiry was made by the Medical Officer. He just simply forwarded the report without applying his mind.

7. In the statement made before the Commission Dr. Santwana Chattapadhyay, the then Medical Officer, Malda District Sadar Hospital admitted that she enquired into the matter and submitted her report to the Superintendent, Malda District

Hospital. She admitted that her report does not show that she asked Nibedita Sinha, the Medical Officer of the Hospital who attended the patient Rekha Saha about the condition of the patient nor did the record show that she examined Rabiul Islam, the van driver or the neighbour who brought the patient or Dilip Saha or even made any attempt to enquire from the patient. She also admitted in her statement that there was nothing in her report that indicates that she examined the mother of the patient, although she mentioned in her report that the patient was brought by her mother. Her report also does not show that she examined the Medical Officer who was on duty on that day and checked the patient. She also clearly mentioned that in her report there was an enclosure in the name of Shri Ashok Kumar Roy but she is not in a position to say about Shri Ashok Kumar Roy.

8. In the statement before the Commission Dr. Himadri Ari submitted that he is presently posted as Superintendent, Malda District Hospital. On the date of occurrence he was on leave and at the relevant point of time Dr. Santwana Chattopadhyay was the in-charge as Superintendent of the Malda District Hospital.

9. Considering the aforesaid materials and evidence on record of Dr. Srikanta Roy, the then Chief Medical Officer of Health and of Dr. Santwana Chattopadhyay, the Medical Officer, the Commission is constrained to conclude that there was total negligence on the part of the hospital authorities to find out the condition of the patient when she was brought to the hospital. The news paper report gives a total description of the suffering of the patient that she was laying for an hour and was profusely bleeding and writhing in pain within the hospital compound. Doctors and Nurses walked by that place where she was lying on the van but nobody spared her a glance and even after her death, her dead body was getting drenched in the rain. It was also reported in the news item that when Rekha Saha was knocked down by a lorry on the highway and was bleeding profusely bystanders immediately called a van rickshaw and sent her to the hospital. Van driver Rabiul Islam reached the hospital within a short time by taking her straight to the emergency ward. According to van driver she was still alive and spoke to those who were on duty but none of them came to look after her. After an hour she died. The same is the version of one Dilip Saha, Rekha's neighbour. The news item also reported that even after her death nobody tried to send her body for post mortem. It started raining heavily and

the body was laying on the van getting drenched. Another person Basanti Roy who also rushed to the hospital after hearing of the accident said that the body was laying abandoned for an hour.

10. This Commission expresses its anguish and dismay about the casual and irresponsible manner in which the report of the incident was sent to this Commission by Dr. Santwana Chattopadhyay which has been forwarded equally in a casual manner by Dr. Srikanta Roy, the then Chief Medical Officer of Health, presently Assistant Director of Health Services.

10. Since the facts contained in the news report have not been at all controverted in the report submitted to this Commission and which have been discussed above, the Commission is of the opinion that the statements in the news report are correct. The news item makes out a clear case neglect and apathy of the hospital authorities for not attending to an accident case which is required to be attended urgently. The patient was obviously a poor young lady and if she was attended to in time possibly a human life could have been saved. However, this utter neglect of the hospital authorities has deeply shocked the Commission. Even when the Commission wanted a report from the hospital authority the report was also not properly given to the Commission. This Commission therefore holds that the then Chief Medical Officer of Health and presently Assistant Director of Health Services has committed a gross neglect of his duty and did not make any attempt to present before the Commission the correct position which the Commission wanted to know and in other words his neglect was aimed at protecting the hospital authorities who were grossly negligent and careless in the discharge of their duties.

11. Dr. Santwana Chattopadhyay had on the other hand given a very scanty report without at all dealing with the contents of the news paper report and she stated in her report that the patient was brought dead. This report is not based on any material and other hand she did not make any enquiry either from the van driver or from the neighbour who brought the patient. She did not question even the mother of the patient.

12. The Commission is therefore constrained to observe that Dr. Santwana Chattopadhyay, Medical Officer, Malda District Sadar Hospital committed gross

negligence in discharging her duties to look after the seriously injured patient. She also did not send a correct report before this Commission.

13. For the reasons discussed above, the Commission recommends as follows:

- (a) Immediate departmental proceedings should be initiated against both Dr. Srikanta Roy, the then Chief Medical Officer of Health, presently Assistant Director of Health Services and Dr. Santwana Chattopadhyay, the then Medical Officer, Malda District Sadar Hospital by suspending them within a period of two weeks and thereafter giving them charge sheet within a period of four weeks. Such proceedings should be completed within a period of three months from the date of submission of charge sheet.

14. The State Government is requested to inform this Commission about the action taken on the basis of the recommendations within a period of six weeks from the date of communication.

sd/-
(Shri S. N. Roy)
Member

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

sd/-
(Justice Asok Kumar Ganguly)
Chairperson

Dated Kolkata, the 2nd August, 2012.

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

Sd/- (02/08/2012)
(J. Sundara Sekhar)
Secretary & CEO