

Case No. 19/12-13
B.M. 325/12-13

By Fax / Speed Post

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT
HUMAN RIGHTS BRANCH
WRITERS' BUILDINGS, KOLKATA - 700 001

No.1104-HS/HRC/Recom(WB)-25/12.

Dated, Kolkata, the 26th June, 2014.

From: Sri M. K. Kundu,
Special Secretary to the
Government of West Bengal.

To: The Secretary & C.E.O,
West Bengal Human Rights Commission,
Purta Bhawan, 2nd Floor, Block-DF, Sector-I, Salt Lake,
Kolkata - 700 091.

Sub: Recommendation of West Bengal Human Rights Commission for initiation of Departmental Proceedings against Dr. Srikanta Roy & Dr. Santwana Chattopadhyay.

Ref: Your letter No.615/WBHRC/Com/325/10-11, dt.17.08.2012.

Sir,

In drawing your kind attention to above, I am directed to state that the matter has been examined in details and the Health & Family Welfare Department, Government of West Bengal, also formed a Committee headed by the Joint Secretary (M.A), Health & Family Welfare Department. The Committee enquired into the issue in details & examined all concerned as also the Hospital records.

The enquiry reveals the followings:-

1. Records show that the patient was brought dead to the hospital.
2. There was no grievance from any corner that due treatment was not provided to the injured person.
3. A post mortem examination was conducted as the person was brought dead.
4. No person in the name of Dilip Saha of 52 Bigha, whose name was figured in the news report as well as in the recommendation of the Commission, could be traced during enquiry.
5. Since the hospital records show that Rekha Saha was brought dead to hospital, the question of not discharging duties and not providing treatment to her does not arise.

Continued...Page.2

6. The hospital records showing that Rekha Saha was brought dead to hospital were prepared during the discharge of the normal business at the hospital on that particular day. The internal enquiry does not suggest that these records were manufactured. As such, these cannot be treated as unreliable.
7. The Committee has also examined the following persons:-
 - i) Smt. Basanti Roy, resident of 52 Bigha.
 - ii) Dr. Srikanta Roy, ADHS (NCD) & the then CMOH, Malda.
 - iii) Dr. Himadri Kr. Ari. Z.L.O, South 24-pgs and erstwhile Superintendent, D.H., Malda.
 - iv) Dr. Santana Chattopadhyay, MOTR at MGMMC & H & the then acting Superintendent on the day of 26.07.2010.
 - v) Dr. Sushanta Banerjee E.M.O. on the day on duty.
 - vi) Dr. Nibedita Sinha, now at Kolkata and resigned from Health Service.
8. Smt. Basanti Roy has informed the Committee that she was a shelter provider to Smt Rekha Saha and she could not recognize any person of 52 of Bigha known as Dilip Saha and also informed that she attended Rekha Saha on receiving the news of her accident at hospital and found the dead body was lying. At that time 2-3 persons took her at a distance and, after introducing them as reporters, asked her several questions insisting on the negligence of duty. She also informed that the body was taken to the morgue while she was talking to those persons. She has no complaint against anybody regarding this reporting or against any Health Department personnel. Even the kins of Rekha Saha, who arrived while talking to the reporters, did not have any complaint against anybody.
9. Dr. Srikanta Roy, C.M.O.H., has informed the Committee that he appeared before the Commission and deposed, but humbly declined to append his signature on the statement as it had not been recorded correctly in line with his deposition, and had been rather recorded in a manner of admission of guilt by him.
10. The Hospital authority did not come across any agitation or grievance or unrest from any corner, which was supposed to take place in case there was any negligence in treatment of the patient.
11. It appears that the Commission might have given reliance on the newspaper report that the patient was alive and the Medical Officers were guilty of wrongdoing.

Continued...Page.3

:: Page.3 ::

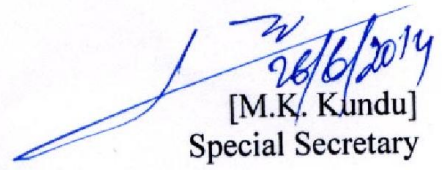
In view of the above as also the fact that the Hospital records show that the patient was brought dead to the hospital, there stands no cogent ground for placing the Medical Officers under suspension and initiating departmental proceedings against them on the grounds of their alleged negligence in discharge of duties.

I am also directed to inform that the above views of Government are communicated to the Commission with approval of the competent authority.

I am further directed to express deep and sincere regret for the delay and request the Commission to be kind enough to condone the same.

This is for favour of kind perusal of the Commission

Yours faithfully,


[M.K. Kundu]
Special Secretary