

**Government of West Bengal
Home Department
Special Branch
Human Rights Cell
Writers' Buildings, Kolkata – 700001.**

No. 1821-HS/HRC/Recom (WB-09/2012)

Date : 14/11/2012

From : Shri Basudeb Banerjee,
Principal Secretary

To : Shri J. Sundarsekar, IAS,
Secretary & CEO
West Bengal Human Rights Commission,
Bhavani Bhavan, Alipore, Kolkata – 27.

Sub : Recommendation No. 03/2012-13/WBHRC/Com/749/2010-11.

Ref : Your Letter No.201/WBHRC/Com/749/10-11 dated 09/052012.

Sir,

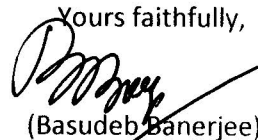
With reference to above, I am directed to inform that the recommendations of the Commission has been carefully examined by the Government along with views obtained from the Department of Health & Family Welfare on the issue.

After careful consideration of the recommendation as well as all aspects related to it, Government is of the view that :-

1. Human rights issues in matters of medical etiquette and professional standards are to be examined in light of the relevant guidelines/regulations laid down by the Medical Council of India.
2. The matter of apparent lack of consensus among the doctors, regarding the best course of treatment, may not be equated with or treated as a deliberate attempt to violate human rights. Such lack of consensus is not an unusual occurrence. It is dependent on a number of subjective and technical factors and often reflects genuine concern regarding a patient's well being.

Accordingly, I am directed to inform that the Government is not in a position to accept the said recommendation to pay the monetary compensation of Rs. 50,000/- (fifty thousand) to the petitioner Shri Krishnendu Sarkar.

Yours faithfully,


(Basudeb Banerjee)