

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 10th February,, 2011.

H.R.M.P.No 87 of 2009

Petitioner : Anilkumar, S/o Raghavan,
Lakshmi Bhavan, Ward No.XV,
Muttakkavu, Nedumpana Panchayat,
Kollam District.

Respondent :

ORDER

The complaint of the petitioner is that his wife Rekha was admitted in Victoria Hospital, Kollam, on 19-12-2008 for delivery as per the direction of Dr.Anjali who was working in the said hospital and thereafter she was removed to the payward but the doctor did not attend to his wife properly from 19-12-2008 to 24-12-2008. According to him, at 6.15 p.m. on 23-12-2008, Rekha was removed to the labor room though she had no pain and when she informed the said fact the duty nurses at the labour room shouted at her and pressed her stomach and she was delivered a baby. After the delivery, according to the petitioner, there was heavy bleeding on account of which five bottles of blood was transfused and as the bleeding did not stop the seriousness was informed to Dr.Anjali who thereafter behaved rudely and instructed to take his wife to SAT Hospital. According to the petitioner, thereafter his wife was taken to SAT Hospital where his wife and baby

were saved and that an enquiry should be ordered against Dr.Anjalai and other staff.

In the report submitted by the District Medical Officer (Health), Kollam, it is stated that Rekha, wife of the petitioner, was admitted in the payward of the hospital on 19-12-2008 and nobody compelled her to get admitted in the pay ward. According to the report, the expected date of delivery was 19-12-2008 but as per the menstrual circle it was to be on 24-12-2008. In the report it is further stated that Rekha was under treatment of Dr.Anjali from 19-6-2008 and was attended by the said doctor on every day from 19-12-2008 after she was admitted in the hospital. According to the report, on finding symptoms of delivery on 23-12-2008 Rekha was removed to the labour room and was examined by Dr.Anjali. At 5.30 a.m. on 24-12-2008 Dr.Anjali had to go and perform an emergency scisseriesian and therefore Rekha was entrusted to Dr.Resmidevi and at 6.15 a.m. Rekha was delivered a baby and on account of heavy bleeding the two doctors in the labour room gave medicines which were required to stop the bleeding and also transfused five bottles of blood and two bottles of plasma to Rekha.

It is also stated in the report that as the bleeding did not stop and on seeing the serious condition of the patient the doctors called the Superintendent and the RMO of the hospital for assistance. The senior gynecologist, after examination, wanted the patient to be referred to SAT hospital for better management and the patient was sent to SAT hospital in an ambulance with necessary medicines and she was accompanied by a staff nurse and a nursing assistant. The allegations made against Dr.Anjali are denied in the report and that all possible treatment

required to be given to the patient was given in the hospital and no staff behaved in an unruly manner as alleged in the petition.

On going through the report I find that there is no material to show whether the petitioner, his wife and the doctors were questioned. It looks that the said report, was prepared merely on the basis of the records and was not prepared after a proper enquiry. If there had been a proper enquiry the petitioner and his wife would have been questioned. They ought to have been examined at the time of enquiry to get their side of version as their versions are essential for arriving at a just decision on the complaint against the medical authorities but it looks that they were not questioned regarding the allegations made by the petitioner. The report is also silent as to the nature of the enquiry conducted to come to the conclusion that there was no negligence on the part of Dr.Anjali.

In any event, as the petitioner and his wife were not questioned and the report seemed to have been prepared on the basis of the records I recommend to the Director of Health Services, Thiruvananthapuram, to conduct a proper enquiry in the matter who will give opportunity to the petitioner, his wife Rekha and the doctors and the staff of the hospital after giving them notice sufficiently in advance and thereafter pass orders according to law.

The petition is closed with the above recommendation. Send a copy of this order each to the petitioner and the Director of Health Services, Thiruvananthapuram.

Justice N. Dhinakar,
Chairperson.