

File No. 116/WBHRC/SMC/19
2028/25/5/2019

It may be true that in the night of Saturday 10th August, 2019 (formally early hours of 11th August 2019) some medical assistance was given to the injured Sibshankar but he was not admitted. The report is that he was advised admission which is a pointer to show that he was treated as an OPD case which is why the patient had to be admitted to a private nursing home. It is unfortunate that the truth has not been early stated without mincing words.

Principal Secretary, Health and Family Welfare department is reminded that the law declared by the Supreme Court in the case of Paschim Banga Khet Mazdoor Samity vs State of W.B. reported in (1996)4 Sec. 37 is that "denial of medical assistance..... by the State hospitals amounted to violation of right to life under Article 21 of the Constitution of India. The State in that case was directed to compensate the expenses incurred by the patient in that case.

We propose to pass the same recommendation unless reasons are shown to persuade us to hold to the contrary. Report within 30.09.20.

The I.W. is directed to ascertain the full particulars of the victim including expenses incurred for treatment at a private nursing home within 31st August 2020. Ld Registrar is to upload the order.

Sd/-
G.C.Gupta
(Chairperson)